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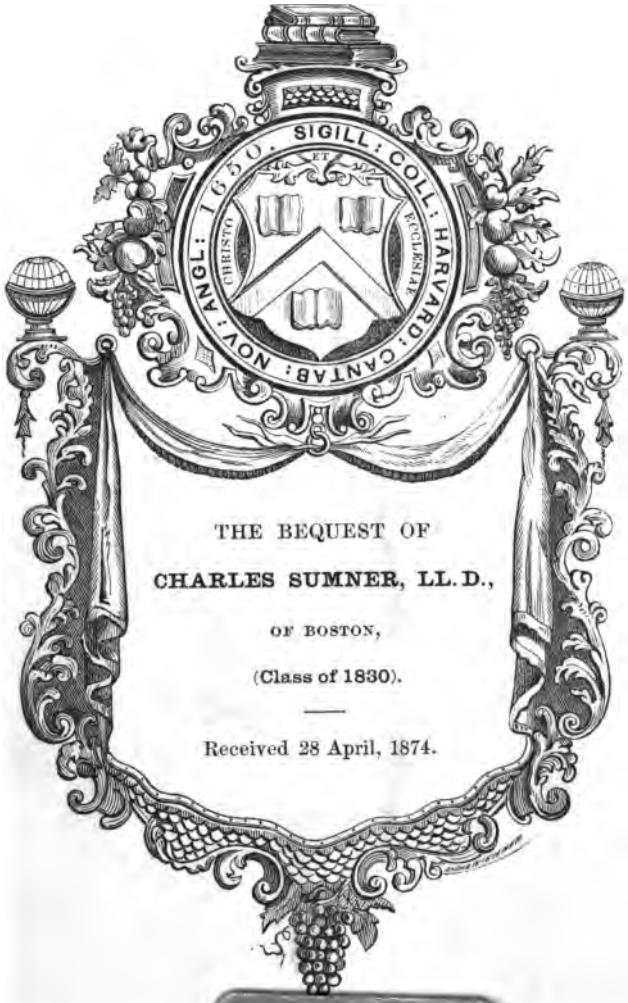

THE BEQUEST OF

CHARLES SUMNER, LL. D.,

OF BOSTON,

(Class of 1830).

Received 28 April, 1874.

REGULATIONS

PRESCRIBED FOR THE USE OF

THE CONSULAR SERVICE

OF

THE UNITED STATES.—

Department of State.

WASHINGTON.
GOVERNMENT PRINTING OFFICE
1870.

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1874, April 28.
Bequest of
Hon. Charles Sumner,
of Boston.
(d. 26. 1830.)

EXECUTIVE MANSION,

Washington, October 1, 1870.

In accordance with the provisions of law the following regulations and instructions, including a tariff of fees to be charged for official services, are hereby prescribed for the information and government of Consular Officers of the United States.

U. S. GRANT.

DEPARTMENT OF STATE,

Washington, October 1, 1870.

I transmit herewith, for your information and government, the accompanying regulations and instructions, which have been prescribed by the President.

They are intended to supersede those which have been heretofore issued by this Department, including "circulars," and are to be carefully observed in all respects.

I am, sir, very respectfully, your obedient servant,

HAMILTON FISH.

To the several CONSULAR OFFICERS

of the United States.

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REGULATIONS

FOR THE

CONSULAR SERVICE OF THE UNITED STATES.

ARTICLE I.

Classes of Consular Officers.

1..The Consular Service of the United States consists of Agents and Consuls General, Consuls General, Vice-Consuls General, Deputy Consuls General, Consuls, Vice-Consuls, Deputy Consuls, Consular Agents, Commercial Agents, Vice-Commercial Agents, Consular Clerks, and Office Clerks. The latter class is authorized by law only in unsalaried Consulates, and will not be recognized by the Department of State unless special permission is obtained.

AGENT AND CONSUL GENERAL.

2..The only officer of this grade is the Agent and Consul General at Alexandria. He enjoys a quasi-diplomatic position, so far as the Porte may consent thereto.

CONSULS GENERAL.

3..Consulates General are established by law at Alexandria, Beirût, Calcutta, Constantinople, Florence, Frankfort-on-the-Main, Havana, London, Montreal, Paris, Shanghai, and Tampico.

4..In Great Britain and Ireland, France, Italy, China, Egypt, and Cuba all the Consuls will transmit their correspondence to the Department through the Consulates General. The Consuls General at London, Paris, Florence, Shanghai, Alexandria, and Havana are respectively charged with the supervision of these subordinate Consulates. They will see that the provisions of statute law and of these general instructions are complied with in the several Consulates under their charge. The Consuls General at London and Paris will once in each year visit each Consulate in their respective

jurisdictions, charging their actual traveling expenses in their accounts.

5..In Cuba the correspondence with the Spanish officials is to be conducted through the medium of the Consulate General at Havana.

6..In the Dominion of Canada the Consul General at Montreal exercises a supervision over the Consulates, but the consular correspondence is to be addressed by the Consuls by mail to the Department.

7..In Liberia and Hayti the Consuls General are accredited as full diplomatic representatives.

8..All Consuls General are further charged with the ordinary duties of a Consul within the prescribed limits of their respective districts, and no one is allowed, while he holds office, to be interested in, or to transact, any business as a merchant, factor, or broker, or any other trader, or as a clerk or other agent for any such person, to, from, or within the port, place, or limits of his Consulate General, directly or indirectly, either in his own name or through the agency of any other person.

CONSULS.

9..Consuls are of two classes: 1st. Those who are not allowed to engage in business, and whose salaries exceed $1,000 per annum; 2d. Those who are allowed to engage in business. The former class is known as those embraced in Schedule B. The occupations in which they may not engage are the same with those forbidden to Consuls General. The latter class of Consuls is again subdivided into—1st. Those who are salaried, (known as Consuls in Schedule C,) and, 2d. Those who are compensated from the fees which they take.

VICE-CONSULS.

10..Vice-Consuls are defined by the statute to be "Consular Officers who shall be substituted temporarily to fill the place of Consuls when they shall be temporarily absent or relieved from duty." It follows that when the Consul is present at his post the Vice-Consul has no functions or powers. [The same remarks apply, *mutatis mutandis*, to Vice-consuls General and Vice-commercial Agents.]

Classes of Consular Officers.

DEPUTY CONSULS AND CONSULAR AGENTS.

11..Deputy Consuls are defined by the same statute to be Consular Officers, subordinate to their principals, exercising the powers and performing the duties within the limits of their Consulates at the same ports or places at which such principals are located. Consular Agents are defined by the same statute to be Consular Officers, subordinate to their principals, exercising their powers and performing their duties within the limits of the Consulate at ports or places different from those at which such principals are located. Limits of Consular districts and of Agencies will remain as heretofore established in the different Consulates.

COMMERCIAL AGENTS.

12..Commercial Agents are full, principal, and permanent Consular Officers as distinguished from subordinates or substitutes. These officers are peculiar to the service of the United States, and are not regarded by other powers as entitled to the rank or privileges of Consuls. They are appointed by the President, and may enter upon the duties of their office without an exequatur.

LIMITATION OF POWERS OF SUBORDINATE CONSULAR OFFICERS.

13..The functions of Vice-Consuls General, Vice-Consuls, Deputy Consuls General, Deputy Consuls, Vice-Commercial Agents, and Consular Agents will respectively cease and determine at the expiration of ninety days from the day upon which the successor to the Consular Officer under whom they were respectively appointed enters upon the duties of his office, except as follows: If the new Consular Officer shall, within the said term of ninety days, renominate the old incumbent, such renomination shall operate to continue the term of the office, without further commission or certificate until the pleasure of the Department can be known; or if the said Consular Officer shall, within the said term of ninety days, nominate another person in his place, such nomination shall operate to relieve the incumbent from office.

CONSULAR CLERKS.

14..These Clerks, to the number of thirteen in all, are appointed by the President after examination, and can only be removed for

cause stated in writing and submitted to Congress at the session first following such removal. Applicants must be over eighteen years of age, and citizens of the United States at the time of their appointment, and must pass examination before an examining board, who shall report to the Secretary of State that the applicant is qualified and fit for the duties to which he shall be assigned.

15..These Clerks, when so appointed, are entitled to a compensation not exceeding $1,000 a year, and may be assigned to different Consulates from time to time. In case of transfer by order, the traveling expenses will be borne by the Department, the Consular Clerk furnishing a proper voucher therefor. When assigned they are subordinate to the Consul General, Vice or Deputy Consul General, Consul, or Vice or Deputy Consul at the post, as the case may be.

OFFICE CLERKS.

16..The law makes no provision for Office Clerks in salaried Consulates. In unsalaried Consulates it is at the discretion of the Department to allow such Clerks. It appears to the Department to be inequitable to allow to this class of Consuls what is equivalent to an increase of salary, when more important salaried Consulates are not allowed it. Therefore it has been decided that hereafter in all cases, whether of salaried or non-salaried Consulates, the expense of Office Clerks will be borne by the Consul, except where a Consular Clerk is assigned by the Department, or where special authority is given to employ a Clerk.

ARTICLE II.

How Consular Officers are Appointed and Qualify.

17..Consuls General and Consuls are appointed by the President, by and with the advice and consent of the Senate. They qualify by taking the prescribed oath, (a copy of which is furnished by the Department for the purpose,) and by executing a bond to the United States in the form prescribed by the Department. (For form of oath see Form 1; and for forms of bonds see Forms 2, 3, and 4.)

18..Commercial Agents are appointed by the President and qualify in like manner.

19..Vice-Consuls General and Vice-Consuls, and Deputy Consuls General, and Deputy Consuls and Consular Agents are appointed by

the Secretary of State, on the nomination of the principal Consular Officer, approved by the Consul General; or, if there be no Consul General, then by the Minister. Vice-Consuls are also required to give bonds in the penal sum of $2,000 for the faithful performance of their duties. (See Form No. 4.) Consuls in the British Dominions recommending appointments of this character will in all cases communicate a statement of the reasons which, in their judgment, render in each case an appointment necessary, with some evidence of the capacity, character, and fitness of the nominee for the office. Before entering upon his official duties he will wait to receive notice of the sanction of the appointment by this Department and its recognition by the British government.

ARTICLE III.

When Entitled to Enter on the Discharge of their Duties.

20. On the appointment of a Consul General or of a Consul, no commission is issued until the bond and oath required by law and regulation have been filed. The Consul is supposed to make early personal application to the Department for the forms for such oath and bond; and it is assumed that the laws and regulations in that respect are complied with before these instructions are issued. After the commission is signed and sealed, it is transmitted by the Department of State to the diplomatic representative accredited to the government within whose jurisdiction the office is situated, with instructions to obtain an exequatur. This document, when obtained, the diplomatic representative usually transmits by post, with the commission, to the Consular Officer. The Consular Officer may, however, proceed to his post and enter upon the discharge of the duties of his office on obtaining the permission of the proper authorities to act until the exequatur arrives. It is customary, also, to transmit for similar recognition and authority the warrants of Vice-Consuls and Deputy Consuls.

ARTICLE IV.

The Privileges of Consular Officers under the Law of Nations.

21. In the absence of international agreement Consuls as such have no representative or diplomatic character; have no right of

ex-territoriality, and cannot claim, either for themselves, their families, houses, or property, the privileges of exemption which are accorded to Diplomatic Agents.

22..They are, however, after the granting of an exequatur, officers of a foreign state, and under the special protection of the law of nations. They may raise the flag and place the arms of the United States over their gates and doors. The actual papers and archives of the Consulate are exempt from seizure and detention. If they are citizens of the United States and do not hold real estate or engage in business in the country to which they are sent, they will be exempt from the performance of such personal duties toward the local government as may interfere with the performance of their consular duties.

23..A Consul should claim to enjoy all the rights and privileges which have been allowed to his predecessors, unless a formal notice has been given that they will no longer be extended to his office or to Consuls of other states in the country in which he resides. He should also claim to enjoy all the immunities which are allowed to Consuls of other countries, unless suchother Consuls are entitled to such extraordinary immunities by special treaty stipulations.

ARTICLE V.

The Privileges and Powers of Consular Officers of the United States under Treaties and Conventions with Foreign Powers.

24..The Consuls must bear in mind that in the following abstract it is impossible to do more than allude in a general way to the rights and privileges secured by treaties. The several treaties and conventions alluded to may be found in Appendix No. 1, and in each case the Consul must look there for more detailed information. It is also possible that more extended rights may have been granted to Consuls of other nations, and that the officers of the United States may be entitled to claim them under the clause known as "the most favored nation clause," in a treaty with the United States.

The Department must necessarily trust to the discretion of the Consul on the one hand not to permit his rights to be invaded without protest, nor on the other hand to claim what he cannot maintain.

If the rights thus secured by treaty are in any case invaded or violated, the Consul will at once complain to the local authorities, to the Department, and to his immediate superior. These complaints should set forth in full all the facts showing the invasion or violation.

INVIOLABILITY OF THE ARCHIVES AND PAPERS OF THE CONSULATE.

25..This is secured by treaties with the Argentine Republic, Bolivia, Belgium, Denmark, Ecuador, Greece, Guatemala, Hayti, Mexico, The Netherlands, Portugal, Salvador, Sweden and Norway, Switzerland, the Dominican Republic, Muscat, and New Granada.

INVIOLABILITY OF THE CONSULAR OFFICE AND DWELLING.

26..This is secured by treaties with Belgium, France, Italy, and Muscat; but the dwelling cannot be used as an asylum.

EXEMPTION FROM ARREST.

27..By convention with Belgium, France, and Italy the Consul is exempted from arrest, except for crimes. By treaty with Turkey he is entitled to suitable distinction and necessary aid and protection. In Muscat he enjoys the inviolability of a diplomatic officer.

EXEMPTION FROM LIABILITY TO APPEAR AS A WITNESS.

28..This is secured by conventions with Belgium, France, and Italy. In such case the testimony may be taken in writing at his dwelling. If the Consul claims this privilege, he should offer to give his evidence in the mode prescribed by the convention, and should throw no impediment in the way of the proper administration of justice in the country of his official residence.

EXEMPTION FROM TAXATION.

29..When the Consul is not a citizen of the country in which the Consulate is situated, and does not own property therein, and is not engaged in business therein, he is secured against the liability to taxation by treaties or conventions with Belgium, Bolivia, Den-

mark, Ecuador, France, Guatemala, Hayti, Italy, The Netherlands, Salvador, and New Granada.*

EXEMPTION FROM MILITARY SERVICE.

30..If not citizens of the country of their consular residence or domiciled at the time of the appointment in it, this exemption is secured by conventions with Belgium, Denmark, France, Guatemala, Italy, Mexico, The Netherlands, Salvador, and New Granada. In New Grenada the exemption also extends to officers, secretaries, and attachés.

INFRACTION OF TREATIES.

31..The right in such case to correspond with the local authorities is secured by conventions with Belgium, France, Italy, and New Granada.

THE RIGHT TO EXHIBIT THE NATIONAL ARMS AND FLAG.

32..This is given by conventions with Belgium, France, Italy. The Netherlands, and New Granada.

DEPOSITIONS.

33..The right to take depositions is secured by conventions with Belgium, France, Italy, and New Granada.

JURISDICTION OVER DISPUTES BETWEEN MASTERS, OFFICERS, AND CREWS.

34..Exclusive jurisdiction over such disputes in the vessels of the United States, including questions of wages, &c., is conferred by treaties or conventions with Belgium, Denmark, France, Greece, Italy, The Netherlands, Prussia, Portugal, Russia, Sweden and Norway, Dominican Republic, Bremen, Hanover, Mecklenburg-Schwerin, Tripoli, and New Granada.

RIGHT TO RECLAIM DESERTERS.

35..The right to reclaim deserters from the vessels of the United States is conferred by treaties or conventions with Bolivia, Belgium, Denmark, Ecuador, France, Greece, Guatemala, Hawaiian Islands, Hayti, Italy, Japan, Mexico, Madagascar, The Netherlands, Prussia,

* The treaty obligations of New Granada are assumed by its successor the United States of Colombia.

Portugal, Russia, Salvador, Sweden and Norway, Dominican Republic, Siam, Hanover, Mecklenburg-Schwerin, and New Granada.

SALVAGE.

36..The right to settle salvage for damages at sea is conferred by conventions with Belgium, France, The Netherlands, Hawaii, Italy, Madagascar, Turkey, and New Granada. The parties may, however, by agreement, deprive the Consul of this jurisdiction.

ESTATES OF CITIZENS OF THE UNITED STATES DECEASED.

37.. By treaties with Morocco, Muscat, Nicaragua, Paraguay, Tripoli, China, Japan, Tunis, New Granada, and Persia, consuls are entitled to the custody of the property of citizens of the United States dying within the limits of their respective Consulates.

JURISDICTION OVER OFFENSES AND CRIMES.

38..The jurisdiction over crimes and offenses committed by citizens of the United States is conferred by treaties with China, Japan, Madagascar, Siam, and Borneo. In Morocco, Muscat, Tripoli, Tunis, and Persia the Consuls are empowered to assist in the trials of citizens of the United States accused of murder or assault.

CIVIL JURISDICTION.

39..Jurisdiction over civil disputes is conferred by treaties with China, Japan, Turkey, Madagascar, Siam, Borneo, Morocco, Muscat, Persia, Tripoli, and Tunis. This jurisdiction is exclusive in disputes between citizens of the United States. In Japan it extends to claims of Japanese against Americans. In China and Siam the jurisdiction is joint in controversies between Americans and Chinese or Siamese. In Madagascar the exclusive jurisdiction extends to disputes between citizens of the United States and subjects of Madagascar. In Turkey there can be no hearing in a dispute between Turks and Americans unless the dragoman of the Consulate is present.

ARTICLE VI.

Relations of Consular Officers to the Diplomatic Representatives of the United States.

40..It has already been stated that in the United Kingdom of Great Britain and Ireland, in France, Italy, China, Egypt, and Cuba

the immediate superior of the Consuls is the Consul General at London, Paris, Florence, Shanghai, Alexandria, and Havana, respectively.

41..These several officers will exercise the powers in other cases vested in the Diplomatic Representatives of the United States.

42..The several Consuls subordinate to them respectively will not correspond officially with the Diplomatic Representatives of the United States in those respective countries, but will make all their representations through their respective Consulates General.

43..In their turn the Consuls General at London, Paris, Florence, and Shanghai will maintain the relations to the respective Ministers at those places that ordinary Consuls do to Diplomatic Representatives in other countries. The Consul General in Cuba is directly responsible to the Department of State.

44..Requests for leaves of absence, or for the appointment of Consular Agents, by Consuls in Great Britain and Ireland, (but not its colonies or dependencies,) France, Italy, China, Egypt, Cuba, and the Dominion of Canada, must be accompanied with the written approval of the proper Consul General therefor.

45..Similar requests from Consuls in the Argentine Republic, the Austro-Hungarian Empire, the North German Union, (including South Germany,) Belgium, Bolivia, Brazil, Chili, Columbia, Costa Rica, Denmark, (but not the colonies,) Hawaiian Islands, The Netherlands, (but not the colonies,) Ecuador, Greece, Guatemala, Hayti, Honduras, Japan, Mexico, Nicaragua, Peru, Portugal, (but not the colonies,) Russia, Salvador, Spain, (but not the colonies,) Sweden and Norway, Switzerland, Turkey, (except Syria and Egypt,) and Venezuela, must in all cases where there is a Diplomatic Representative of the United States resident in the country be accompanied by his written approval of the request.

46..The several Diplomatic Representatives in these last-named countries will continue, as heretofore, to exercise a general supervision over the Consulates within their respective jurisdictions.

47..The remaining Consulates will correspond directly with the Department on all subjects.

48..The Diplomatic Agents of the United States are instructed to maintain such correspondence with the Consuls in the countries to

which they are accredited as they may deem conducive to the public interest. It will be the duty of Consuls in all cases to endeavor to comply with the requests and wishes of their superiors, when so expressed.

49..Such Agents also have authority, in case a vacancy should require the appointment of a person to perform temporarily the duties of a Consulate, to make such appointment, with the consent of the foreign government, and in conformity to the laws and consular regulations of the United States, immediate notice thereof being given to this Department. It will be the duty of the respective Consuls General to give immediate notice of such vacancies to their diplomatic superiors.

ARTICLE VII.

Relations of Consular Officers to Naval Officers of the United States.

50..When a squadron visits a port where there is a Consular Officer it will be the duty of the commander of the squadron to send a boat on shore, with an officer on board, who shall visit the Consul General or Consul, and tender him a passage to the ship.

51..It will then be the duty of the Consul General or Consul to accept the invitation and visit the flag-ship, and to tender his official services to the commander. He will be entitled once while the vessel is in port to a salute of nine guns, if a Consul General, and of seven guns if a Consul, which may be fired either while he is on board, (which is unusual,) or while he is being conveyed from the vessel to the shore; in the latter case he will face the vessel, and at the end of the salute acknowledge it by raising his hat.

52..It is the duty of a commander of an American ship of war, not a Commander of a squadron or in chief, to pay the first visit in person to a Consul General, and to offer him a passage to the ship.

53..If the Consular Officer be of the grade of Consul or lower, a boat will be sent (on arrival of the vessel in the port) with an officer to visit the Consul and tender a passage to the ship. It will be the duty of the Consul to accept it, and he will be entitled to a salute of seven guns.

54..Vice-Consuls, Deputy Consuls, Consular Agents, Commercial

Agents, and Vice-Commercial Agents will receive (if at all) a salute of five guns. These several salutes are only to be fired once during the stay in port.

55..While Consular Officers are expected to use their official position to advance the interests of the navy, it may be remarked that their salaries are not established on a scale to require social attentions to the officers which call for the expenditure of money, unless they see fit to give them; and that the fact that such attentions have been given, or supposed to be required, will not justify a Consul in asking increased compensation.

56..They are also reminded that the navy is an independent branch of the service, not subject to the orders of this Department, and that its officers have fixed duties prescribed for them; they will therefore be careful to ask for the presence of a naval force at their ports only when public exigencies absolutely require it, and will then give the officers in command in full the reasons for the request and leave with them the responsibility of action.

ARTICLE VIII.

Compensation of Consular Officers.

57..For the purpose of compensation, the statutes distinguish between Consular Officers whose salaries are determined by law (and who are named in two schedules, viz., Schedule B, of Consular Officers who may not engage in business, and whose salaries exceed $1,000 per annum, and Schedule C, of Consular Officers who may engage in business) and Consular Officers who receive their compensation from the fees they collect. In Appendix No. 5 will be found a complete list of the Consulates, classified according to law.

58..Salaried officers, citizens of the United States, are entitled, on reaching their posts, to compensation from the time when they enter upon their duties, (or when they are ready to enter in case of delay in the exequatur or in the permission to act,) and for such time as they shall be actually and necessarily occupied in receiving instructions (not to exceed thirty days) and in making the transit between their places of residence and their posts of duty at the commencement of their official duty; and also at the close, unless they die, resign, or are recalled for malfeasance.

Compensation of Consular Officers.

59..They are also entitled, on the presentation of proper vouchers, to be allowed the sums actually paid by them for the rent of an office, solely devoted to the business of the Consulate, to an amount not to exceed ten per cent. on the salary named in the act of Congress.

60..They are also entitled to retain, as compensation for their supervision and responsibility, from the fees which they may receive from the Consular Agencies within their jurisdiction, a sum, not to exceed $1,000 in the aggregate.

61..Their respective Deputies and Clerk are entitled to no compensation from the government; but their services must be paid for by their superior. Each Consular Agent may retain from the fees collected by him such portion as shall be determined by the President, not to exceed $1,000, and an amount sufficient to pay for stationery and postage on official letters; the balance must be accounted for by him.

62..Consuls whose annual salaries, under laws existing prior to March 30, 1868, do not exceed $1,500, and at whose Consulates, without the agencies, fees are collected and paid into the treasury of the United States to the amount of $3,000, shall be compensated at $2,000 per annum.

63..For such time as a Consular Officer may, under instructions, perform diplomatic functions in the absence of the regular Diplomatic Officer in the country to which he is appointed, he is entitled, in addition to his compensation as such Consular Officer, to receive compensation for his diplomatic services at the rate allowed by law for a Secretary of Legation in such country.

64..A Vice-Consul, acting in the absence of a Consul on leave of absence not exceeding sixty days, and during the term of his chief will, if there be no agreement to the contrary reported to the Department, be entitled to one-half the salary, the other half belonging to the Consul. If the absence be extended beyond sixty days, and the necessary time of transit both ways between the residence and the post of the Consul, the Vice-Consul will be entitled to the whole salary for the time beyond the sixty days; and the Consul shall make no agreement with the Vice-Consul to the contrary.

65..Consuls not mentioned in Schedules B and C are compensated from the fees collected by them respectively, from which they

may retain a sum not exceeding $2,500 in any one year as an equivalent for a salary. They may also retain the sums actually paid for rent of an office, exclusively devoted for the use of the Consulate, to an amount not exceeding $250. They will not be allowed to retain any sums paid for clerk-hire or for Deputy Consuls unless specially authorized. They are allowed the same compensation that salaried Consuls are allowed from their agencies. They are not entitled to draw on the Department for office rent or clerk-hire. Those expenses are payable only from the fees which they may collect.

ARTICLE IX.

Formalities to be Observed on Arrival at Post.

66..After the arrival of a Consul General or Consul at his post, he will give information thereof to the United States Legation, if there be one accredited to the government of the country in which his Consulate is situated.

67..It is the practice of the Department to send the consular commission to the Legation, with instructions to the Diplomatic Agent to apply for the exequatur by which the Consul General or Consul is officially recognized and enabled to discharge, without interruption, his consular duties.

68..If there be no Legation of the United States in the country, the commission will be sent to the Consul direct, who will, without delay, transmit it to the proper department, and request an exequatur. In either case he will inform, in respectful terms, the authorities of the port or district to which he is sent of his appointment; and if he can obtain their consent to his acting officially before the receipt of his exequatur, he is authorized so to act. As soon as his exequatur is received, he must see that it is made public in the manner usual in the country.

69..Having obtained either his exequatur or permission to act, he will apply to the person having charge of the consular seal and the archives of the Consulate for their delivery to him; and having made an inventory, jointly with his predecessor, if present, of the papers, books, and other effects, he will transmit a copy of such inventory, signed by both parties, or, in the absence of his predecessor, by himself, to the Department.

Formalities on arrival at Post.

70..He will likewise transmit to the Secretary of the Treasury a certificate of this fact, to be executed jointly by himself and the outgoing Consular Officer, if present, (see Form No. 5;) and he may then take charge of the seal, archives, and effects of the Consulate.

71..If the Consul is not allowed to transact business, he will establish the Consulate at the most convenient central place that the sum allowed for rent will permit, and will keep it open daily during the usual business hours of the place.

72..If there are any public funds in the hands of his predecessor he will take charge of them, unless they are the proceeds of the effects of an American citizen who died intestate more than a year previous, and which, according to the second section of the act of the 14th of April, 1792, should have been remitted to the treasury of the United States; in which case the Consul who received the same shall make the remittance.

73..Having entered on the duties of his office, the Consul must immediately give notice thereof to the Department of State, to the Consul General to whom he may be subordinate, or if there be no such Consul General, then to the Minister of the United States in the country in which such Consul is appointed, and to the Consuls of the United States residing in the same country, and the Consuls of other countries in the neighboring ports. He will also, before the expiration of ninety days after entering upon the duties of his office, nominate to the Department, through his immediate superior, suitable persons to fill all the agencies in his jurisdiction, and a suitable person to act as Vice-Consul in case of his temporary absence or relief from duty.

74..The arms of the United States should be placed over the entrance of the Consulate, unless prohibited by the laws of the country; and wherever such custom prevails, the national flag should be hoisted daily for his protection, and as the emblem of his authority.

ARTICLE X.

Correspondence of a Consular Officer with the Department of State.

75..All communications addressed to the Department, as well as inclosures, must be written on cap paper, in a fair, round hand,

leaving an inch margin on each side of the page, and the distance between the written lines must correspond with that of the ink lines sent to every Consular Officer with the notice of his appointment.

76..Consuls will instruct their agents to observe the same form.

77..All dispatches must be numbered consecutively, beginning with the acknowledgment of the receipt of the commission and the acceptance of the office, and continuing, consecutively, during the term of the incumbent.

78..Each dispatch is, as far as possible, to be confined to one subject, and to be divided into paragraphs when treating of more than one.

79..In transmitting inclosures in dispatches, the contents of those inclosures are to be briefly stated in the body of the dispatch, and attention is to be directed to such points contained in them as may appear to be particularly deserving of notice. In each case, following the signature, the Consul should give a "List of Inclosures," showing the names of the persons by and to whom the inclosure is written, and the date.

80..All extracts from newspapers, sent as inclosures, must be neatly cut out and pasted upon cap paper, corresponding in size with the dispatch.

81..Should such inclosures be in any foreign language, exact copies of the originals are to be forwarded, and also translations of them, if convenient. Whenever it is mentioned in a dispatch that a paper is inclosed, an oblique line is to be made in the margin, (thus, 1/7) and above such line is to be placed the number corresponding to the number of inclosure.

82..Each series of inclosures is to be numbered anew in each dispatch, commencing with No. 1; and when there are more inclosures than one in a dispatch, each inclosure is to be numbered in the order in which it is to be read.

83..When printed papers are sent as inclosures in dispatches, two copies, if they can be conveniently obtained, should be forwarded. It is not necessary to cut out the duplicate.

84..In transmitting copies of correspondence with dispatches, Consuls are requested to use *hdlf* sheets of paper in all cases where they will suffice to contain the text of the note to be copied. This

will save unnecessary waste of paper, and largely diminish foreign postage.

85..When Consuls write upon any subject upon which they have previously written, they will refer to the number of such previous dispatches.

86..All dispatches should commence upon the third page of the first sheet. The second line on the first page should show the number and date of the dispatch; the second and third line, the name and station of the Consul; the fourth line the general subject of the dispatch; the fifth and subsequent lines of that and the following page a synopsis of the contents.—(See Forms 6 and 7.)

87..In making copies of correspondence, the blank space on a leaf at the end of one communication should not be used to commence another. Each document should be on its own sheet, or, if brief, on its own half sheet.

88..All dispatches are to be folded like those sent from this Department. Gum, sealing wax, or wafers are not to be put upon the dispatches or the inclosures, but only on the envelopes which cover them.

89..Correspondence from Consulates within the dominions of Austria, Belgium, China, Denmark, France, Great Britain, Japan, Netherlands, North Germany, Portugal, Spain, Sweden and Norway, and Switzerland, is included in the First Consular Bureau, and will be addressed in the inside to the Assistant Secretary of State.

90..Correspondence from Consulates in the dominions of the Argentine Republic, Bolivia, Brazil, Chili, Colombia, Costa Rica, Ecuador, Greece, Guatemala, Hawaiian Islands, Hayti, Honduras, Italy, Liberia, Mexico, Nicaragua, Paraguay, Peru, Russia, Salvador, Turkey, Venezuela, and other Consulates not included in the First Consular Bureau, will be addressed in the inside to the Second Assistant Secretary of State.

91..All envelopes covering consular dispatches will be addressed to the Secretary of State, as shown in Form No. 8.

92..Dispatches of Consuls in Great Britain, France, Italy, Egypt, and Cuba, should be forwarded unsealed through the respective Consulates General.

93..Dispatches are never to be antedated; and when returns which are ordered to be transmitted "quarterly," "half-yearly," or

"annually," cannot be completed on the last day of the quarter, half-year, or year, as the case may be, for want of sufficient information on that date, or for any other reason, the Consul will notify the Department thereof, and the returns are to be made up to that date as soon as practicable thereafter.

94..Returns ordered to be sent "quarterly" are to be made up to the 31st of March, 30th of June, 30th of September, and 31st of December. Those ordered to be made up half-yearly are to be made up to the 30th of June and 31st of December; those ordered to be "annually transmitted" are to be made up to the 31st of December.

95..Returns ordered by special instruction, or enactment, or by different sections of the General Instructions, are to be sent as inclosures in distinct dispatches, each dispatch relating solely to the return as ordered to be made in such instruction, enactment, or section.

96..A return must be rendered on the 31st of December of each year, or as soon after as possible, of the number and dates of the dispatches written during the year, and transmitted by the earliest conveyance, and, if practicable, before the Consul writes any dispatches in the ensuing year.

97..A Consular Officer will only hold correspondence on public matters (independently of that which his official duties require him to conduct with the local authorities and individuals of the place where he resides, and officers or others employed in our commercial marine) with the Secretary and Assistant Secretaries of State, the Secretary of the Treasury, the Comptroller, the Fifth Auditor, the Register of the Treasury, the United States Legation in the country where he resides, other Consular Officers, and with naval or military officers in the service of the United States who may be employed in the neighborhood, and to whom it may be necessary to communicate immediately any event of public interest.

98..Printed matter is to be transmitted open at both ends if sent through the regular mail.

99..Tabular statements accompanying dispatches are to be, in all cases, footed up.

100..The receipt of all instructions must be acknowledged by return mail.

101..The private correspondence of Consuls with their families

and friends is usually transmitted in the government pouches, and in foreign mails at the public expense. No business correspondence of Consuls, and no correspondence of other persons, is allowed to be sent in the government pouches, or under cover to or from the Consul. If such correspondence is sent to the Department of State, it will be detained there; and if a Consul is known to violate this rule he will be removed.

ARTICLE XI.

Passports and Protection of Citizens of the United States.

102..Passports are to be issued only to citizens of the United States. To issue a passport to a person not a citizen is a penal offense punishable on conviction by imprisonment not exceeding one year, or by a fine not exceeding $500, or both. *Persons who have merely declared their intention to become citizens are not citizens of the United States within the meaning of the law.*

103..Passports can be issued only at this Department, or by the Chief Diplomatic Representative of the United States at a Legation; or, in the absence of such a representative from the country, then by the Consul General if there be one, or, in the absence of both of the officers last named, by a Consul, (Form 9.)

104..Passports are to be verified only by the Consular Officer of the place where it is required, for which a fee of one dollar in the gold coin of the United States, or its equivalent, will be collected. In the absence of such Consular Officer the *visa* may be given by the principal Diplomatic Representative; in which case there will be no fee. (See Form 10.)

105..At the close of each quarter, returns are to be made to this Department, in the manner heretofore prescribed, of the names and all other particulars, of the persons to whom the passports shall be granted, issued, or verified, as embraced in such passports, together with the amount of the taxes or fees collected for the same, which taxes or fees will be charged on the books of the treasury to the person receiving the same, and will be brought to the credit of the United States in the adjustment of his quarterly accounts.

106..The rules and practice on this subject hitherto prevailing in the Department will remain unchanged. In the Legations and

Consulates of the United States the best evidence of the citizenship of the applicant will be the production of a passport from this Department, coupled with proof that the person in whose behalf it is presented is the person named in the passport. In the absence of such evidence the applicant will make a written declaration stating his name, place of birth, age, and such other facts as shall be required. He shall also furnish such proof of his identity as shall be required by the Minister or Consul; and if a naturalized citizen he shall also furnish the original, or a certified copy of the decree of the court by which he was declared to be a citizen; and it shall be the duty of the Minister or Consul, at the close of each quarter, to transmit to the Department a statement of the evidence on which all such passports were issued or granted.

107..When the applicant is accompanied by his wife, minor child, or servants, it will be sufficient to state in the passport the names of such persons, and their relationship to, or connection with him. A separate passport must be issued for each person of full age, not the wife or servant of another, with whom he or she is traveling.

108..No *visa* will be attached to a passport after a year from its date. A new passport may, however, be issued in its place by the proper authority, as hereinbefore provided, if desired by the holder.

109..Applications have sometimes been made to the Diplomatic and Consular Agents of the government for the issue of certificates of citizenship to persons residing in foreign lands and claiming to be American citizens. Hereafter no certificates will be issued, except in the form of passports under the regulations herein prescribed, unless a different form be prescribed by the laws of the country in which the Agency or Consulate is situated; in which case the Agent or Consul will transmit to the Department a copy of the prescribed form. And inasmuch as such evidence of citizenship may be claimed as *prima facie* evidence of the right of the holder to be protected by the power of the government of the United States, so long as he conducts himself peaceably and obeys the laws of the foreign state in which he resides, therefore to protect the dignity of such citizenship, and to guard against fraudulent assumption of it, Consuls and Ministers will be strict in the observance of the rules herein laid down, and will exercise due caution in issuing passports

to applicants. And when their intervention is invoked on behalf of citizens of the United States residing in foreign countries, they will be careful to remember that it is as incumbent on such persons as it is upon the citizens or subjects of such foreign countries, to observe the laws of the country in which they reside.

110..The official action of the representatives of the United States may also be asked in foreign lands in favor of natives thereof who have been naturalized in the United States. Should passports or other protection be asked for by persons, it will be the duty of the officer to satisfy himself that they have done nothing to forfeit their acquired rights. For a naturalized citizen may, by returning to his native country and residing there with an evident intent to remain, or by accepting offices there inconsistent with his adopted citizenship, or by concealing for a length of time the fact of his naturalization, and passing himself as a citizen or subject of his native country, until occasion may make it his interest to ask the intervention of the country of his adoption, or in other ways which may show an intent to abandon his acquired rights, so far resume his original allegiance as to absolve the government of his adopted country from the obligation to protect him as a citizen while he remains in his native land.

111..Cautious scrutiny is enjoined in such cases, because evidence has been accumulating in this Department for some years that many aliens seek naturalization in the United States without any design of subjecting themselves by permanent residence to the duties and burdens of citizenship, and solely for the purpose of returning to their native country and fixing their domicile and pursuing business therein, relying on such naturalization to evade the obligations of citizenship to the country of their native allegiance and actual habitation. To allow such pretensions would be to tolerate a fraud upon both the governments, enabling a man to enjoy the advantages of two nationalities and to escape the duties and burdens of each.

112..If the Consul is satisfied that an applicant for protection has a right to his intervention, he should interest himself in his behalf, examining carefully into his grievances. If he finds that the complaints are well founded, he should interpose firmly, but with courtesy and moderation, in his behalf.

113..If redress cannot be obtained from the local authorities the Consul will apply to the Legation of the United States, if there be one in the country where he resides, and will, in all cases, transmit to the Department copies of his correspondence, accompanied by a report.

114..The United States have treaties with several powers regulating the rights of naturalized citizens of the United States on their return to their native lands. The protection which the passport gives is regulated in each such case by the terms of the treaty. Copies of those several treaties are given in Appendix 2.

115..It is provided by the laws of 1855 (10 Statutes at Large, p. 604) that persons born out of the limits and jurisdiction of the United States, whose fathers were or shall be, at the time of their birth, citizens of the United States, shall be deemed and considered to be citizens of the United States, provided that the right of citizenship shall not descend to persons whose fathers never resided in the United States. Within the sovereignty and jurisdiction of the United States such persons are entitled to all the privileges of citizens; but, while the United States may by law fix or declare the conditions constituting citizens of the country within its own territorial jurisdiction, and may confer the rights of American citizens everywhere upon persons who are not rightfully subject to the authority of any foreign country or government, it ought not, by undertaking to confer the rights of citizenship upon the subject of a foreign nation who had not come within our territory, to interfere with the just rights of such nation to the government and control of its own subjects. If, by the laws of the country of their birth, children of American citizens born in such a country are subjects of its government, the legislation of the United States will not be construed so as to interfere with the allegiance which they owe to the country of their birth while they continue within its territory. If, therefore, such a person, who remains a resident in the country of his or her birth, applies for a passport as a citizen of the United States, such passport will be issued in the qualified form shown in Form No. 11.

116..The same law of 1855 further provides that any woman who might lawfully be naturalized under the existing laws, married, or who shall be married, to a citizen of the United States, shall

be deemed and taken to be a citizen. The recognition of this citizenship will be subject to the qualification above referred to.

117..Passports should be numbered, commencing with No. 1, and so continuing consecutively until the end of the incumbent's term of office.

ARTICLE XII.

Reciprocal Duties of Consular Officers and Masters of American Vessels.

118..Every master of an American vessel shall, on his arrival at a foreign port, deposit his register, sea letter, and Mediterranean passport with the Consular Officer of the United States, if there be one at the port, under a penalty of five hundred dollars, which the Consular Officer may recover in his own name for the use of the United States.

119..A vessel putting into a foreign port to get information only, and not entering, or breaking bulk, or discharging seamen, or requiring new seamen, or needing the aid of the Consul in any respect, cannot be said to make an *arrival* at that port within the meaning of the law.

120..Vessels driven into a port are not required to deposit their papers with the Consular Officer, unless formal entry be afterward made or consular services required.

121..It is the duty of a Consular Officer on the arrival of an American vessel, should the master neglect to deliver his ship's papers, as he is directed by law, to inform him of the necessity of so doing, by showing him the law that requires it, and apprising him of the penalty he will incur by refusal or neglect. If he fail to comply, a certificate of the fact, under the consular seal, (see Form No. 12,) must be immediately sent to the Department of State, giving a description of the vessel, the port to which she belongs, where bound, and the usual residence of the master. In such a case, it is desirable that the Consul should send some other evidence of the arrival and departure of the delinquent master with his vessel besides that of his own certificate, as it has been held that such evidence of any fact is not sufficient, unless expressly or impliedly made so by statute.

122..When the ship's papers are received, they are to be kept

together in as safe a place as possible, to guard against fire and other accidents; and the Consul, on receiving such papers, shall give a certificate of the fact, (see Form 13,) or a receipt under seal, and make an entry in his consular record, specifying the time of delivery, the name of the vessel, the master, and the character of the papers deposited.

123..Whenever the master shall produce the clearance of his vessel from the proper officer of the port, and shall pay the fees due to the Consular Officer for his services, and shall pay to him three months' pay additional to wages due, for every seaman discharged at his port, and shall take on board, at the request of the Consular Officer, such destitute mariners as shall be designated by him for transportation to the United States, then he shall be entitled to the return of all the ship's papers deposited with the Consul. On return of certificate as in Form No. 13, there should be given with the papers a new certificate as in Form No. 14.

124..Until all these provisions of law are complied with, the Consul may retain the papers, although the clearance may be regular and in due form.

125..It is the duty of every master and commander of a ship or vessel of the United States, whenever he shall have occasion for any consular or other official service which any Consular Officer of the United States shall be authorized by law or usage officially to perform, and for which any fee shall be allowed by the said rates or tariffs of fees as prescribed by regulation, to apply to such one of the said officers as may then be officially residing at the Consulate or Commercial Agency, if any there be where such service shall be required, to perform such service; and the said master or commander shall pay to the Consular Officer such fees as shall be allowed for such service by the tariff of fees prescribed by the President; and if any such master or commander shall omit so to do, he shall be liable to the United States for the amount of the fees lawfully chargeable for such services, as though the said services had been performed by such officer.

126..In case of a sale or transfer of any vessel of the United States, in any foreign port or water, it is made the duty of the Consul, by the act of April 29, 1834, to collect of the master or agent of

the vessel, for hospital duty, 40 cents per month for each seaman employed on the vessel, from the date of its last entry into any port of the United States, as payment of hospital dues there, and to return the same to the Fifth Auditor of the Treasury, at the same time with the account required to be rendered quarterly to the same office for relief and protection of American seamen. (See Form 119 for the mode of making this return.) The Consul may retain the papers of the vessel until this sum is paid.

127..Whenever any master ships a seaman at a foreign port, it is his duty to take the list of his crew and the duplicate of the shipping articles forthwith to the Consular Officer at the port; and it is that officer's duty to make the proper entries thereon, setting forth the contract, and describing the person of the mariner.

ARTICLE XIII.

Discharge, Relief, and Return of Seamen.

128..All seamen regularly shipped in American vessels, are to be regarded as American seamen, within the provision of the act of 1803, and the other acts making provisions for the discharge and relief of seamen.

DISCHARGE OF SEAMEN.

129..A master of a vessel of the United States, clearing from one of its ports, assumes the responsibility of returning all the ship's company to the United States, or of accounting for them in the manner required by law.

130..It is in the power of a Consul in a foreign port to relieve a master of this responsibility, only in the manner authorized by law.

131..The statutory authority of the Consul to act in this respect is limited to—1st. The sale in a foreign country of a ship or vessel belonging to a citizen of the United States. 2d. The discharge, with his own consent, of a seaman or mariner, being a citizen of the United States. 3d. A discharge under the act of 1840, after a survey of the vessel, and finding the same unseaworthy.

132..In the first of these cases, the Consul acts for the purpose of subsequently affording the relief granted by law, and for the purpose of securing the payment of the extra wages required by law.

Discharge of Seamen.

133..In the second case the Consul acts as the lawfully authorized guardian of the American seaman, to hear and examine his complaints, and to afford him the only protection or measure of justice which the representative of his country can give him on foreign soil, viz, the termination of his connection with the ship.

134..The master is required by law to give the crew full liberty to lay their complaints before the Consul, and not to restrain them from landing, without some sufficient and valid objection exist thereto; in which case, if any mariner desire to see the Consul, it shall be the duty of the master to acquaint him with it forthwith, stating the reason why the mariner is not permitted to land, and that he is desired to come on board. The Consul, on receiving such information, will forthwith repair on board, inquire into the causes of the complaint, and proceed therein as the law directs.

135..The investigation of these cases is often tedious, the evidence is apt to be conflicting, and the Consul will require the use of all his good judgment, forbearance, discretion, and good temper.

136..When the Consul discharges seamen he should attach a certificate thereof to the crew list and shipping articles, and also give a certificate to the seaman. (See Forms 15 and 16.)

137..If the first officer, or any officer, and a majority of the crew, of any vessel make complaint in writing that she is in an unsuitable condition to go to sea, because she is leaky, or insufficiently supplied with sails, rigging, anchors, or any other equipment, or that the crew is insufficient to man her, or that her provisions, stores, and supplies are not, or have not been during the voyage, sufficient and wholesome, thereupon, in any of these or like cases, the Consular Officer of the port is required to appoint two disinterested, competent, practical men, acquainted with maritime affairs, to examine into the causes of complaint, who must, in their report, state what defects and deficiencies, if any, they find to be well founded, as well as what, in their judgment, ought to be done to put the vessel in order for the continuance of her voyage.

138..The inspectors so appointed have full power to examine the vessel and whatever is aboard of her, so far as is pertinent to their inquiry, and also to hear and receive any other proofs which the ends of justice may require; and if, upon a view of the whole proceedings, the Consular Officer be satisfied therewith, he may approve

the whole or any part of the report, and shall certify such approval, and if he dissents, shall also certify his reasons for so dissenting.

139..If the inspectors report that the vessel was sent to sea unsuitably provided in any important or essential particular, by neglect or design, and the Consular Officer approves of such finding, he shall discharge such of the crew as require it, each of whom shall be entitled to three months' pay in addition to his wages up to the time of discharge, which amount is to be paid to them, provided no expenses have been incurred by a Consular Officer on their account.

140..The forms of proceedings in case of surveys relate to proceedings referred to under Article XX. They are, however, sufficiently detailed to enable a Consul to frame the necessary papers. (See Forms Nos. 35, 36, 37, 38, 39, 40, 41, and 42.)

141..If the deficiency complained of by the crew is reported by the inspectors to have been the result of mistake or accident, and could not, in the exercise of ordinary care, have been known and provided against before the sailing of the vessel, and the master shall in a reasonable time remove or remedy the causes of complaint, then the crew shall remain and discharge their duty.

142..But if the master does not, in a reasonable time, remove or remedy the cause of complaint, then the crew shall, upon their request, be discharged, and they shall receive, each, "one month's wages in addition to the pay up to the time of the discharge."

143..The master is required to pay all such reasonable charges in the premises as shall be officially certified to him under the hand of the Consular Officer; but in case the inspectors report that the complaint is without good and sufficient cause, the master may retain from the wages of the complainants, in proportion to the pay of each, the amount of such charges, with such reasonable damages for detention on that account as the Consular Officer directing the inquiry may officially certify.

144..Although not authorized by statute, it has been the practice for Consuls to discharge seamen, and also officers on good cause shown, against their consent, on the application of the master; and this jurisdiction has been sustained by the courts.

145..The Consul will not exercise this power for slight or venial

offenses, nor for a single offense, unless of a very aggravated character.

146..He must be satisfied that the officer or seaman is either absolutely incompetent to perform the work he has contracted to do, that he has been guilty of such acts of insubordination as to make him dangerous to a man of ordinary firmness, or that his habitual misconduct (such as drunkenness, for instance) amounts to unfitness for duty, or, if an officer, that he has been guilty of habitual cruelty.

147..Cases have occurred, also, in which Consuls have, with the subsequent approval of the Department, removed masters of vessels and appointed others in their place to complete the voyage. Good cause must be shown for the exercise of this extreme power. (See Form 17 for the certificate to the new master in such case.)

DEMAND OF THREE MONTHS' EXTRA WAGES.

148..It is the duty of all Consular Officers of the United States, when seamen or mariners are thus discharged within their jurisdiction, to collect of the vessel three months' pay over and above the wages which may then be due to such mariner or seaman, in the following cases: 1st. When a ship or vessel belonging to a citizen of the United States shall be sold in a foreign country and her company discharged. 2d. When a seaman or mariner shall, with his own consent, be discharged in a foreign country. 3d. When a vessel has been condemned by inspectors, as above stated. 4th. When on the complaint of a mariner that the voyage is continued contrary to his agreement, or that he has fulfilled his contract, the complaint is found to be well founded and the mariner is discharged; but in this case, if the Consul is satisfied that the voyage has been protracted by circumstances beyond the control of the master, and without any design on his part to violate the articles of shipment, he may, if he deems it just, discharge the mariner without directing the three months' extra pay. No payment of extra wages is to be required in cases of wrecked or stranded ships or vessels, or ships or vessels condemned as unfit for service.

149..With these exceptions the Consul must in all cases exact the three months' extra wages, as he is made by law personally accountable therefor. It is the object of the law to secure in all cases

the humane care of the seaman while under the protection of the Consul, and his speedy return to the United States.

150..He will also exact and collect all arrears of wages then due the discharged mariners or seamen, which he will pay to the persons entitled to them without any deduction. It is the duty of the master to exhibit the list of the ship's company to the Consul, to enable him to comply with this request.

151..Of the extra wages collected one-third belongs to the United States; the other two-thirds to the discharged seaman; except in the case of a vessel condemned by inspectors on complaint of the officers and crew, in which case all belongs to the seaman. (For Receipt see Form 18.)

152..The discharged seaman is not to be paid unless he has engaged on board of some other vessel as a seaman, or to return to the United States, and does not previous to his sailing become a charge upon the Consulate. In the latter case only the residue of the two months' extra wages is to be paid to him.

153..Seamen discharged in foreign ports are sometimes credited on the ship's books at a merely nominal rate, and the relief fund not unfrequently suffers detriment in consequence of this device to avoid the payment of extra wages in full. Consuls will therefore be watchful to thwart such practices in future, and in any case where the return made by the master fraudulently disagrees with the customary schedule of compensation in the marine service, they are instructed to exact the highest rate of wages paid to any seaman shipped for the voyage, or the sum actually agreed to be given him at his shipment, if it can be ascertained, whatever may be the sum falsely stated in the article.

154..When seamen have been shipped on board of American vessels without the rate of their wages being specified on the shipping articles, as on board of whaling ships where they are shipped by the "lay," they shall be entitled, upon their discharge at a foreign port, to the sum of twenty dollars per month as "extra wages."

RELIEF OF DESTITUTE SEAMEN.

155..Two things are necessary to entitle the claimant to relief: 1st. That he is a seaman of the United States within the terms of

the law as already defined; 2d. That he is destitute. Of each of these facts the Consul must be the judge.

156..A destitute deserter may be entitled to relief equally with a discharged seaman.

157..The relief afforded will comprise lodgings, subsistence, clothing, medical attendance and medicines, and transportation to the United States. The Consul must not be interested, directly or indirectly, in any of the articles so furnished. If it appears that he is so interested he will be immediately removed.

158..The lodgings should be in some healthy locality, removed, if possible, from scenes of temptation and vice.

159..The subsistence should be simple and healthy, if furnished by the Consul. It is usual, however, to contract for the board of such seamen.

160..The clothing should be of the cheapest kind, consistent with strength and durability, and such as sailors are accustomed to wear. If there is much call for relief of this kind the clothing should be bought in parcels and distributed as wanted.

161..The medical attendance and medicines should be found at a hospital, if there be such in the place, unless specially instructed otherwise. (See Forms 19 and 20.)

162..If private treatment is had, the reasons must be communicated to the Department.

163..The transportation should be made at the earliest possible day, and is provided for by law. All masters and commanders of vessels belonging to citizens of the United States, and bound to some port of the same, are required to take such mariners or seamen on board their vessels at the request of the Consular Officers, and to transport them to the port in the United States to which such vessel may be bound, on such terms, not exceeding $10 for each person, as may be agreed between the master and the Consular Officer; but no vessel shall be obliged to take a greater number than two men for every one hundred tons burden.

164..Consular officers will be careful to send all American seamen found destitute within their districts to the United States, giving to the master of the vessel on board of which they are placed, a certificate, in accordance with Form 21, setting forth their names and the amount to be paid for their passage, which amount will be

promptly remitted upon the receipt at the Treasury Department of the said certificate, bearing an indorsement of the collector of the customs that the seamen therein mentioned have arrived in said vessel within his district. Passages paid by Consuls will not be allowed without satisfactory explanation and proof of the delivery of the seamen at the port to which such passages were paid.

165..They may also contract with masters of foreign vessels, at reasonable rates, when opportunities by American vessels do not offer.

166..In such cases the reasons for the payment of increased compensation should be stated in the consular certificate.

167..When a greater number of seamen is sent in a vessel than she is by her tonnage required to take, or when a greater amount is allowed for the passage than is prescribed by law, a certificate must be transmitted that there were no other American vessels then in port bound for the United States, in accordance with Form 22.

168..The Department has had reason to complain of the detention of seamen at some Consulates for long periods of time. There can be but two reasons for this practice: 1. A deficiency of American or other vessels bound to the United States, by which they may be sent home. 2. Such a state of infirm health of the seamen as would render it improper to send them on the voyage. In order to guard against an improper expenditure from this cause, the accounting officers suspend, in the adjustment of consular accounts, all charges for relief afforded to seamen who have been for more than three months chargeable to the United States, unless the accounts are accompanied by satisfactory evidence, first, that the detention was caused by a want of vessels in which they might have been shipped to the United States; or, second, that the health of the seamen was in such a state that it would endanger their lives to send them on the homeward voyage. The evidence in the latter case is to be the certificate, as per Form 23, of the attending physician. Unless it is furnished the drafts of the Consul will not be paid.

169..In places where opportunities of sending seamen home seldom occur, and employment on board of American vessels cannot be obtained, the Consular Officer may ship them to an intermediate

port where they may be likely to find such employment or a passage to the United States. He will, in this case, make a specific agreement with the master of the vessel, at the most reasonable rate, for their passage; giving to him a draft on the Secretary of State for the amount, on the face of which it must be expressed that its payment shall be upon the sole condition that there shall be indorsed upon it a certificate of the Consular Officer at the port to which the vessel may be bound, that the seamen named have arrived at his Consulate. In the exercise of this discretion he will take into consideration the relative cost of keeping the seamen where they are and at the port to which they can be sent, together with the expense of their passage thither and the probability of their obtainining employment there or a passage home, and adopt the course which may seem best, having a due regard for the interest of the United States and a proper concern for the seamen.

170. As it is sometimes necessary to transport seamen from seas and districts where there are no United States Consuls, Vice-Consuls, Commercial Agents, or Vice-Commercial Agents, Congress, by an act approved February 28, 1811, has authorized the Comptroller of the Treasury to make such additional allowance as shall be deemed to be equitable. This may be in excess of the $10 authorized by law.

171. The amount allowed for passage to the United States of destitute American seamen is payable at the treasury of the United States, and not by the collectors of ports. The certificate for such compensation should be made in accordance with Form 21, and be transmitted to the Fifth Auditor of the Treasury at Washington. All accounts are to be in the name of the principal Consular Officer, and drafts on the Department made by those officers only. No account or draft of a Vice-Consul or Vice-Commercial Agent will be attended to, unless in the absence of the principal Consular Officer from his post; in which case a certificate of that fact must accompany the account.

ARTICLE XIV.

Disputes between Masters, Officers, and Crew.

172. In the absence of a treaty or convention with the power within whose dominions the Consul resides, he has no jurisdiction

over disputes between masters, officers, and crew, except a permissory one.

173..Exclusive jurisdiction in such cases has been conferred by treaty or convention with several powers, as previously enumerated in these regulations.

174..It is also conferred in the more-extended jurisdiction given by the treaties and conventions with various Oriental powers, as already stated.

175..In some cases this jurisdiction is limited to disputes about wages. In other cases it is extended to all disputes, whether growing out of tort or contract. Consuls are referred to the terms of the treaties or conventions in each case for the extent of their jurisdiction. A copy of each may be found in the appendix.

176..In China, Japan, Siam, Borneo, Madagascar, Tunis, and Tripoli, this jurisdiction is also extended to all criminal offenses committed by citizens of the United States.

177..The form of proceeding should be as simple and summary as the nature of the case and justice to the parties will allow.

178..The complaint upon which any proceeding is founded should be verified by the oath of the person making the complaint.

179..Due notice of the cause of the complaint and of the time of the hearing should be given to the adverse party, and all other persons in interest.

180..On the day of the hearing the defendant should be required to answer in writing, under oath, or be adjudged in default.

181..At the hearing each party should have an opportunity to cross-examine the witnesses produced by the other party, and to testify himself, on oath, if he wishes.

182..The Consul will render such summary judgment as the case may require, and may order that each party shall pay his own costs, or that one party shall pay all the costs in his discretion.

183..The costs shall be at the rates named in the tariff of fees, with $5 for each day or part of a day actually occupied in the hearing; but no hearing is to be extended beyond one day, unless absolutely necessary.

184..If the dispute relates to wages, the Consul will bear in mind the following principles:

185..The general rule in regard to the wages of seamen is, that

such wages on board of merchant ships are payable out of the earnings for freight; and if no freight is earned, by reason of the perils of the sea or capture by the enemy, and not by the fault or neglect of the master or owner, no wages are due.

186..The maxim that "Freight is the mother of wages" is a formula which, though it has obtained general currency, is to be carefully scrutinized in its application. A distinction is to be made between those accidents by which the voyage is interrupted and the freight lost, without the fault of the owner or master, and other causes arising from the acts of the owner or master.

187..If the voyage or freight be lost by the negligence, fraud, or misconduct of the owner or master, or voluntarily abandoned by them; if the owner has contracted for freight upon terms or contingencies differing from the general rules of the maritime law; or if he has chartered his ship to take a freight at a foreign port, and none is to be earned on the outward voyage—in all these cases the mariner is entitled to wages, notwithstanding no freight has accrued.

188..Where freight is, *or might be*, earned, wages are due for the full period of employment in the ship's service, whether the freight is actually received by the owner or not. No private contract between the owner and the shipper, with regard to freight, can affect the right to wages.

189..If the vessel and cargo are lost on the outward voyage, before any freight is earned, and no part of either is saved by the crew, the wages of the seamen are also lost, and the original contract therefor is annulled, but the advance wages are not in such case to be returned.

190..If the vessel is lost on the homeward voyage, and freight has been, or might have been, by the general principles of law, earned to an outward port, the wages for the outward voyage to that port are deemed to have been earned. No abatement is to be made from the wages in case of the freight being partially lost or diminished by maritime accidents or perils.

191..If freight is earned, whether it be large or small, the whole wages which are deemed to have been earned are to be paid without deduction.

192..When the vessel is lost between intermediate ports, the

wages are to be calculated up to the last port of the delivery or receipt of cargo, and for half the time that the ship lies there.

193..Where a voyage is divided by various ports of delivery, a claim for proportional wages attaches at each of such ports of delivery upon safe arrival; and all attempts to evade or invade that title, by renunciations obtained from the mariners without any consideration, by collateral bonds, or by contracts inserted in the body of the shipping articles, not usual, not fully explained to these illiterate and inexperienced persons, are ineffectual and void.

194..In some of the conventions or treaties with foreign powers (as will be seen by reference to the text of them in the appendix) the Consular Officer of the United States is authorized to require the local authorities to render forcible aid, and to imprison the crew, if he deems it necessary.

195..He may also in some cases call upon them to render forcible assistance for the preservation of order and keeping the peace.

196..Reference is made to each particular treaty or convention for the powers of the Consuls in each case.

197..Consular Officers will not ask for such aid unless absolutely necessary. General forms for requests for the arrest, detention, and release of seamen in such cases may be found in Nos. 24 and 25.

198..If it be asked, and denied, they must claim all the rights conferred upon the representatives of the United States by the treaty or convention, and communicate at once with the Diplomatic Representative of the United States in the country, and with the Department of State.

199..All trials of disputes between masters, officers, or crew, and all calls for assistance, should be promptly reported to the Department of State.

ARTICLE XV.

Desertions.

200..Desertion is the quitting of the ship and her service by one of the ship's company, without leave, against the obligation of the party, *and with an intent not again to return to the ship's duty.*

201..A casual overstay of leave is not a desertion. The Consular Officer will be careful to inquire on this point, as sailors on shore frequently overstay their leaves of absence. He will also be

careful to inquire whether a reported desertion has been fraudulently favored or permitted by the master for the purpose of avoiding payment of extra wages upon a regular discharge of the seamen.

202..In the absence of a treaty or convention with the power in whose dominions the Consulate is situated, a Consular Officer has no authority to claim of right the return of the deserter. In such case the return is sometimes made as a matter of comity, and to prevent the deserter from becoming a charge upon the community.

203..It is the duty of all masters or commanders, when a desertion occurs, to note the fact and date of the desertion on the list of the crew, and to have the same officially authenticated at the port or place of the Consulate or Commercial Agency where it takes place, if possible; if not, at the Consulate or Agency of the port or place first visited by the vessel after such desertion, if it shall have occurred in a foreign country. (Form 26.)

204..It has already been stated that, by treaties or conventions with several powers, authority has been conferred upon Consular Officers to demand the assistance of the local authorities in the arrest of deserters.

205..In making the demand for such assistance the Consul will, in each case, carefully note the provisions of the particular treaty or convention under which he acts, and will make the proceedings conform to it. (For a general form see No. 27.)

206..In case of refusal he will at once communicate all the facts, with copies of the correspondence, to the Diplomatic Representative of the United States in the country, and to the Department of State.

207..In all cases where deserters are apprehended, the Consular Officer shall inquire into the facts; and, if satisfied that the desertion was caused by unusual or cruel treatment, the mariner shall be discharged, and receive, in addition to his wages to the time of the discharge, three months' pay; and the officer discharging him shall enter upon the crew list and shipping articles the cause of discharge, and the particulars in which the cruelty or unusual treatment consisted, and subscribe his name thereto officially.

208..The benefits of the law are sometimes imperatively invoked, as in the case of a mariner driven from his ship by intolerable treatment—treatment proceeding sometimes from reckless cruelty, and

sometimes, as is believed, with a design to make the seaman leave his vessel when his services have ceased to be of value for the completion of the cruise. But, in meeting the requisition of such unfortunate seamen, Consular Officers are cautioned so to use the funds appropriated by Congress as not to encourage sailors to break their shipping engagements from a confidence that in so doing they do not forfeit their claim to relief and protection at the hands of Consular Officers.

ARTICLE XVI.

Wrecks.

209.. By the third section of the act of Congress of April 14, 1792, Consular Officers, in cases where ships or vessels of the United States shall be stranded on the coast of their respective Consulates, are required, as far as the laws of the country permit, to take proper measures, as well for saving such ships or vessels, their cargoes and appurtenances, as for storing and securing the effects and merchandise saved, and for taking an inventory or inventories thereof; and the merchandise and effects saved, with the inventory or inventories, must, after deducting therefrom the expense, be delivered to the owner or owners. But no Consular Officer is permitted to take possession of any such goods, wares, merchandise, or other property, when the master, owner, or consignee thereof is present, or capable of taking possession of the same.

210.. In the execution of the duties prescribed by this part of the act, every Consular Officer is instructed that all vessels, parts of vessels, and any portion of their cargo belonging to citizens of the United States, saved and brought into the consular jurisdiction after being wrecked, or in consequence of any disaster at sea, are to be proceeded with in the same manner as if the vessel had stranded within the consular jurisdiction; and if salvage be claimed and allowed by a competent tribunal, the remainder of the effects, or the proceeds thereof, if sold, shall be disposed of in the same manner as is directed in Article XX of these instructions respecting the estates of persons dying intestate; provided, in the case of salvage, that the court deciding the same will permit the Consular Officer to receive the effects and remainder of the property after the salvage is paid.

Wrecks.

211..In some countries (as in Sweden) chartered companies have the privilege of taking possession of all property wrecked; in others, it may be vested in particular magistrates or officers. In such cases the Consular Officer is not to interfere with the legal function of the proper officer, but he may ask leave, as the representative of the absent master or owner, or as his official adviser, if he be present, to assist at the taking of the inventory, the sale, and all other proceedings in relation to the property. It is his duty to protect the interest of the owner, and, if his reasonable requests are not complied with, to take the necessary evidence of the facts in the case, and transmit it to the Department of State.

212..When any American vessel is wrecked within his jurisdiction, the Consular Officer is to give notice to the Department of State, naming the vessel and her owners or master, and giving the circumstances attending the loss. If there is an agent of the American underwriters in his jurisdiction, he will co-operate with him.

213..When there is no impediment from the laws of the country, all proceedings in relation to property wrecked are to be the same as those prescribed in the case of property of intestates, and so also with regard to the taking possession and disposing of whatever effects, whether wrecked, abandoned, or otherwise unrepresented within a Consulate, belonging to any citizen of the United States.

214..A Consular Officer is allowed to institute proceedings for the recovery of property in behalf of citizens of his own country, although they may be unknown to him; yet restitution cannot be decreed without specific proof of the individual proprietary interest.

215..Whenever a Consul or Commercial Agent shall receive authentic intelligence of the rescue from shipwreck of seamen or citizens of the United States by the master or crew of any foreign vessel, he will, without delay, transmit to the Department a statement of the facts, including the name of the master of the foreign vessel and of the country or port to which he may belong, and also the names of such of the crew as may have especially distinguished themselves. This statement will be laid before the President, who is expressly authorized by Congress to make suitable acknowledgments to the masters and crews of foreign vessels for their services in rescuing from shipwreck citizens and vessels of the United States.

The Consular Officer will state in his report the names of the passengers and crew who may have perished, and also of the survivors and what disposition has been made of them.

216..He will promptly render such assistance as may be in his power to his shipwrecked countrymen, and institute, whenever it is practicable, energetic proceedings for the protection of their property; but this instruction gives no authority to incur any expense therefor in the expectation of its being defrayed by the Department of State; the appropriation for the relief and protection of American seamen in foreign countries which is made by Congress not being applicable to any purpose except the relief of persons who are actually "seamen." Whenever it is necessary for the safety of the property, the Consular Officer will apply to the local authorities for assistance.

217..He will carefully collect and preserve all the papers and documents relating to the ship or its cargo, or to the passengers, and deliver them to the parties to whom they belong, or to the representatives of such parties, or, in the event of their death or nonappearance, he will transmit them to this Department.

218..By treaty with Turkey, May 7, 1830, Article IX; by convention with New Granada, May 4, 1850, Article III; by convention with France, February 3, 1853, Article XI; by convention with Netherlands, January 22, 1855, Article IX; by convention with Italy, February 8, 1868, Article XIV; by convention with Belgium, December 5, 1868, Article XIV; and by treaty with Hawaii, December 20, 1849, Article XII, defined powers are conferred in this respect upon Consular Officers in those countries respectively. Reference is made to the appendix for the details of these several provisions. Consular Officers in those countries will govern themselves accordingly.

ARTICLE XVII.

Duties of Consular Officers in Respect to American or Foreign-built Vessels Transferred to Citizens of the United States within their Jurisdiction.

219..No register, enrollment, license, or other marine documents prescribed by the laws of the United States, can be lawfully issued

by a Consular Officer to vessels which are sold and purchased at a foreign port, whether those vessels are American or foreign built.

220..To enable, however, the owners of a vessel so situated to protect their rights, if molested or questioned, a Consular Officer, though forbidden by law to grant any marine document or certificate of ownership, may lawfully make record of the bill of sale in his office, authenticate its execution, and deliver to the purchaser a certificate to that effect; certifying, also, that the owner is a citizen of the United States. Before granting such certificate, the Consular Officer will require the tonnage of the vessel to be duly ascertained in pursuance of law, and insert the same in the description of the vessel in his certificate. (See Form No. 28.) These facts, thus authenticated, if the transfer was in good faith, entitle the vessel to protection as the lawful property of a citizen of the United States; and the authentication of the bill of sale and of citizenship will be *prima facie* proof of such good faith.

221..In all cases where the evidence of the purchase of a foreign vessel by a citizen of the United States, with proof of citizenship and of the *bona fide* character of the purchase, shall be furnished to a Consular Officer, he will, if the proof be satisfactory, and purchase deemed fair, record the bill of sale in his office, and deliver to the party the original, with a certificate indorsed thereon.

222..It has been the practice of some Consuls in such case to issue sea letters, relying upon a supposed authority derived from the insertion of Forms numbered 100 and 101 in former regulations. Such a practice has no authority in law, and will not be repeated. The forms are consequently omitted in these regulations.

223..It is to be distinctly understood, however, that such foreign-built vessels not registered, enrolled, or licensed under the laws of the United States, although wholly owned by citizens thereof, cannot legally import goods, wares, or merchandise from foreign ports, and are subjected in the coasting trade to disabilities and exactions from which documented vessels of the United States are exempted.

224..On arrival from a foreign port, such undocumented foreign-built vessels, if laden with goods, wares, or merchandise, will, with their cargoes, be subjected to forfeiture. If in ballast only, or with passengers without cargo, they will be subject to a tonnage duty of $1 per ton.

Sale of Vessels to American Citizens.

225..The right of American citizens to acquire property in foreign ships is decided to be a natural right, independent of statutory law, and such property is no more nor less entitled to protection by the United States than any other property of an American citizen.

226..The privilege of carrying the American flag is under the regulation of Congress, and the statutes have not made that privilege practicably available to any ships except those duly registered or enrolled at some custom-house. A certificate of American ownership of a foreign-built vessel issued by any federal officer would be extra-official, and not entitled to recognition in foreign courts; and, moreover, it is not a correct practice for the executive officers of the United States to issue or sign papers which are informal or not authorized by law, or not required by law, in the regular course of business.

ARTICLE XVIII.

Duties as to American Vessels Engaged in the Transportation of Chinese Emigrants.

227..By the act of February 19, 1862, it is made illegal for citizens of the United States to participate with their vessels in the transportation of coolies, and the provisions of two obsolete acts were revived, and were made to apply to vessels of the United States engaged in the transportation of passengers from one port without the United States to another port without the United States. These acts (of February 22, 1847, and March 3, 1849) may be found in the appendix. Consuls will at once report all violations of them coming to their notice.

228..The act of 1862 is not intended to apply to the free and voluntary emigration of Chinese subjects.

229..It is made the duty of the Consular Officer of the United States residing at the port from which a vessel with such voluntary emigrants takes her departure to give to the master of such vessel a permit or certificate, containing the names of such persons, and setting forth the fact of their voluntary emigration from such port or place.

230..Such certificate will not be given until the Consular Officer has personally satisfied himself, by evidence produced, of the truth of the facts therein contained.

231..Consuls will be rigid in exacting a compliance with these provisions.

ARTICLE XIX.

Miscellaneous Duties in Regard to the Vessels and Seamen of the United States.

MANIFESTS.

232..By the twenty-fifth section of the act approved July 18, 1866, it is enacted that the several provisions of the act entitled "An act to regulate the collection of duties on imports and tonnage," approved March 2, 1799, relating to manifests, shall apply as well to vessels owned in whole or in part by foreigners as to vessels of the United States; and Consular Officers are therefore instructed to inform the masters of all vessels leaving their ports for the United States that they are required to produce manifests in accordance with the provisions of section 23 of the act to regulate the collection of duties on imports and tonnage, approved March 2, 1799. (Statutes at Large, vol. 1, p. 644.)

BILLS OF HEALTH.

233..The Metropolitan Board of Health of the city of New York has called the attention of the Department to the difficulty which the quarantine authorities of that city experience in obtaining prompt and reliable information with regard to the sanitary condition of places from which ships or immigrants come to that port, and it has requested the assistance of this Department in obtaining such information.

234..Consular Officers are therefore instructed to advise the masters of all vessels leaving their ports for New York, that the health authorities of that port require the presentation of consular bills of health by vessels arriving from foreign ports, and that, in the absence of clean bills of health, they will be treated as coming from infected ports.

235..They will not detain a vessel for refusal to take a bill of health, but will advise the health officers of the port to which the vessel sails of such refusal. They will also keep the health officers of the different ports advised of the sanitary condition of their consular districts; and when unable to give clean bills of health, they will state their reasons for refusing them, by direct communication, either by the vessel or mail, as may be most speedy.

Miscellaneous Duties as to Vessels and Seamen.

236..They will take special care that the bills of health given, and the reports made, are upon information which they are satisfied is entirely reliable. (See Form No. 29.)

PASSENGERS FROM MEXICO OR CENTRAL AMERICA.

237..The attention of Consular Officers in Mexico and Central America is called to section 5 of the act "further to regulate the carriage of passengers in steamships and other vessels." It will be perceived that the passenger lists required to be kept by the commanders of American vessels visiting the ports of those countries must be verified, not only by the master's oath, but also by the inspection of the Consular Officer, and a copy thereof, so verified, transmitted to the collector of the port of the United States from which the vessel last cleared. The Consular Officers concerned will not fail to observe that their faithful co-operation is necessary to the due enforcement of this provision of law.

PROTESTS.

238..Consular Officers have the right, in the ports or places to which they are appointed, to receive the protests or declarations which such captains, masters, crews, passengers, and merchants as are citizens of the United States may respectively choose to make there; and also such as any foreigner may choose to make before them relative to the personal interest of any citizens of the United States; and copies of such acts, duly authenticated by the Consular Officer under his official seal, are to receive faith in law equally as their originals would in all courts of the United States. The nature of these instruments will depend in each case upon the particular facts to be protested against. (For General Forms see Nos. 30, 31, and 32.

MUTINY AND INSUBORDINATION.

239..If American seamen on board of a vessel of the United States either arrive at a port in a state of mutiny, or a mutiny occurs in port which cannot be quelled by the captain, and the captain cannot navigate his ship to the United States with the mutineers on board, the Consular Officer should. if the laws of the country permit, cause the mutineers to be confined and sent home for trial, unless, in his judgment, the ends of justice will be best subserved by dis-

charging them, in view of unjustifiable cruelty of the captain, or other provocation.

240..In the latter case he will be careful to report to the Department at length the reasons for his course.

241..It is probable that if he seeks to arrest and detain the offenders he will have to ask for the aid of the local authorities, in which case, if there be treaty provisions, they should be carefully examined. (See Forms 24, 25, 33 and 34.)

SURVEY OF VESSELS.

242..A Consul is often applied to for the authorization of a survey of a vessel—as in the case of a wreck—or of the damaged or unseaworthy condition of the vessel. At ports where there is a recognised agent of the American underwriters the consul will co-operate with him The general mode of proceeding in such cases is shown in Forms Nos. 35, 36, 37, 38, 39, 40, 41, 42, 43, and 44.

243..In case a Consul is called upon to give certified copies of such instruments, he may follow Form No. 45.

244..If the vessel is in a sinking condition and cannot be saved, he may apply to the authorities to know where she shall be grounded. (Form No. 46.)

REPAIR OR SALE OF VESSELS BY MASTERS.

245..After the estimate of damage, the master may endeavor to borrow on bottomry the necessary funds for repairs, and in case of inability to do so may be forced to sell the vessel. The proceedings in such cases are shown in Forms 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, and 60.

246..In case the necessary funds are procured, and a bottomry bond is given, acknowledged before the Consul. (Forms Nos. 61, 62, 63, 64, 65, and 66.)

247..The Consul will be careful to note that such of these forms as relate to unofficial documents are given, not for his guidance, but for his general information. The Department assumes no responsibility for their correctness in any particular case in which they may be used.

MISCELLANEOUS DUTIES.

248..It has been customary to give to the Consular Officers a

variety of forms, to aid them in their business intercourse with masters and seamen, which sufficiently explain themselves without the necessity of instructions. For declaration of a master in case of death or loss of a mariner, see Form No. 67; of same to correctness of log-book, see Form No. 68; of same to ship's bills for repairs, see Form 69; for certificate in case of deviation of voyage, see Form No. 70; for certificate of ownership of a vessel, see Form No. 71; for crew list, when required by port authorities, see Form No. 72; for certificate to shipping articles, see Form No. 73; for order to pay seaman's wages at home, see Form No. 74; for master's acknowledgment to the same, see Form No. 75; for certificate of shipment of seamen, see Form No. 76; for master's agreement to increase wages, see Form No. 77; and for form to be used when shipwrecked seamen are picked up at sea and conveyed to any port, see Form No. 78.

ARTICLE XX.

Estates of Citizens of the United States Dying Abroad.

249. Consular Officers have no jurisdiction, as such, over the estates of citizens of the United States who may die within their jurisdicion, unless by permission of the local authorities, or by virtue of treaties or conventions. They should not attempt to exercise jurisdiction over the partnership property of a deceased citizen of the United States until the dissolution of the firm and settlement and liquidation of partnership debts.

250. It is made their duty, by the act of 1792, whenever a citizen of the United States, other than seamen belonging to any ship or vessel, shall die within the consular district, to take possession of his effects, and to sell at public auction such part of them as may be of a perishable nature, and such further part as may be necessary for the payment of the debts of the deceased.

251. And by the act of 1856 it is provided that if any citizen of the United States dying abroad shall, by any lawful testamentary disposition, leave special directions for the custody and management, by the Consular Officer of the port or place where he shall die, of the personal property of which he shall die possessed in the country, as contemplated by the act entitled "An act concerning Consuls and

Vice-Consuls," approved April 14, 1792, it shall be the duty of such officer, so far as the law of the country will permit, strictly to observe such directions; and if any American citizen so dying shall, by any lawful testamentary disposition, have appointed any other person or persons than such officer to take charge of and manage such property, it shall be the duty of the Consular Officer, whenever required by the person or persons so appointed, to give his official aid in whatever way may be necessary to facilitate the proceedings in the lawful execution of the trust; and, so far as the laws of the country permit, to protect the property of the deceased from any interference of the local authorities of the country where such citizen shall die; to this end it shall be the duty of the Consular Officer to place his official seal upon all or any of the personal property or effects of the deceased, and to break and remove such seal whenever he may be required by such person or persons, but not otherwise.

252..The exercise of this jurisdiction will necessarily depend upon the assent of the government under which the Consular Officer resides.

253..That authority has been conferred, by treaty, by Morocco, Muscat, Tripoli, Tunis, and New Granada.

254..In Italy it is the duty of the local authorities to inform the Consular Officer of the death of a citizen of the United States, in order that the necessary information may be immediately forwarded to the parties interested.

255..If that information is withheld apparently purposely, or if any injury comes from not receiving it in any case, the Consul will make proper representations to the local authorities, to the Diplomatic Representative of the United States, and to the Department of State.

256..The United States Consular Officers in the Argentine Confederation may, when any citizen of the United States dies within their respective jurisdictions, intervene in the possession, administion, and judicial liquidation of his estate, conformably with the laws of the country. The proceedings in such case must be in the ordinary courts of the country, unless waived by the local authorities.

257..The directions herein contained relate only to cases in which

complete jurisdiction, without reference to local courts, is either conferred or permitted.

258..For the information of the representatives of the deceased, the Consular Officer is directed to cause a notice of the death of every citizen of the United States, other than a seaman belonging to any ship or vessel, dying intestate within his consular district to be published in some newspaper of the country, and also to forward a like notice to the Department of State, that the same may be published in the State to which the deceased belonged; he will also communicate any information which he may have obtained respecting the residence of the family and friends of the deceased. This will be done in all cases.

259..When the Consul is authorized to act, an inventory must be taken, in the first instance, of all the effects of the deceased, with the assistance of two merchants of the United States, or, for want of them, of any other two respectable persons. This inventory must be entered in the proper consular record-book.

260..In performing this branch of the consular duty great attention is required. Merchants of the most respectable standing are to be selected as the assistants of the Consular Officer. Although appraisement is not mentioned in the act, Consular Officers are instructed to have the apparent value of every article affixed to it.

261..If among the papers of the deceased are found any evidences of debts, although they may not be due in the consular district, yet they are to be placed in the inventory for the information and security of individuals in the United States who are interested.

262..The commercial books of the deceased are to be placed in the inventory, and particularly described, the number of pages that each of the said books contains being mentioned; and the Consular Officer will place a certificate, signed by himself, at the beginning and the end of each book, in such manner as to prevent any addition being made to them. The letter-books of the deceased are comprehended in the term commercial books.

263..The Consular Officer will also collect the debts due to the estate of the deceased in the country where he died, and, with the amount thus collected, pay the debts which the deceased may have there contracted; but he is to pay no claim, not reduced to a judg-

ment, for damages on account of any wrongful act alleged to have been done by the deceased.

264..If among the effects of the deceased (the word "effects" being one of very comprehensive signification, and embracing property of every description, inclusive of debts due) are found certificates of *foreign* stocks, loans, or other property, the Consular Officer is directed to charge on the amount thereof such commissions, if any, as are authorized in the consular tariff of fees on the settlement of estates of American citizens; also, to report the amount in his quarterly statement of fees, and, if a salaried Consular Officer, to hold the same subject to the order of the Treasury Department; but he is not to embrace in the inventory such personal estate as the deceased may have left in the United States, or beyond the consular district. The Consular Officer, from the necessity of the case, acts as the collector of the effects within the Consulate; the provisions of law do not extend his power beyond this necessity. The personal estate of the deceased in the United States remains to be administered by the legal representative at home, according to the laws of the State or district to which the deceased belonged. Under the provisions of the second section of the act above mentioned, the Consular Officer is "to take possession of the personal estate left by any citizen of the United States," where "the laws of the (foreign) country permit," which, of course, must be the personal estate left within the jurisdiction of such foreign country. He is only to collect "the debts due to the deceased in the country where he died." In like manner, he is not to pay the debts due from the deceased at home, but only such debts as "he shall have *there* (in the foreign country) contracted."

265..The Consular Officer is further directed to sell at auction such part of the estate as shall be of a perishable nature. All sales of the property of the deceased must be at "auction, after reasonable public notice." In the execution of this duty, the Consular Officer is instructed to give the same previous notice that is directed by the laws of the country for the judicial sale of property in execution, and at some public place; but, whether it be required in judicial sales or not, the notice must be given in at least one of the newspapers of the place, if any be printed there, both in English and in the language of the country. No property shall be

sold as being of a perishable nature, until it has been viewed by two respectable merchants, and by them certified to be of that description.

266..If the proceeds of such sales, with the funds of the estate on hand, should not be sufficient to liquidate the legal claims against the estate, the Consular Officer is authorized to dispose of any other portion of the personal estate which may be necessary for that purpose.

267..In one year after the death of the intestate, the Consular Officer is also directed by the second section of the act aforesaid to transmit the remainder of the estate (after paying the debts and other lawful charges) to the treasury of the United States, in money, to be holden in trust for the legal representatives; but if at any time before such transmission the legal representatives of the deceased appear, and demand the effects in the hands of the Consular Officer, the latter shall deliver them up, the fees being paid, and shall cease his proceedings.

268..In the execution of the duty prescribed by the preceding section, the Consular Officer is instructed to keep a regular account of all moneys received, as well of effects sold as of credits collected, and all sums expended, taking duplicate receipts, expressing on what account the sums are paid, and numbering them regularly; one of the said duplicates is to be kept by the Consular Officer, and the other delivered to the representative of the deceased, or transmitted to the Treasury Department, if no representative appear.

269..He must also enter on his consular books a regular account between himself and the estate of the deceased, in which he shall enter to his own debit all the moneys and effects that come into his hands; and to his credit all the payments he may make; and, finally, the remainder that he may deliver over or remit, so as to close the account. A copy of this account shall be delivered to the representative of the deceased, or transmitted to the Treasury Department, as the case may be.

270..As soon as an estate shall be finally settled, so far as the Consular Officer is concerned, he shall give notice to the Department of State, designating the amount in money, or the effects, as the case may be, which have been delivered to the representative of the deceased or to Treasury Department.

271..If there should be several parties, each claiming to be the representative of the deceased, and demanding the effects, the Consular Officer must direct the parties to determine their rights before the proper judicial tribunals.

272..The Consular Officer should at all times be prepared, and he is expressly required, to deliver over the effects and papers of the estate in his possession at any stage of the proceedings, after deducting the fees and expenses, to any legal representative of the deceased, or appointed trustee, who presents unquestionable evidence of authority to act as such.

273..In the second case contemplated by the act of 1856, viz., where, by a testamentary disposition of the deceased, some person other than the Consul is appointed to take charge of and manage the property, the Consul has a right to require, before intervening officially, that the will should be *proved* so as to give it legal effect.

274..In all cases where jurisdiction is not distinctly and by due authority conferred upon the Consul, it will be safer for him to confine his acts to the custody of the property and its preservation for the purpose of being surrendered into the hands of those who are legally entitled to it, but in such a way as not to involve him in legal liability to them.

ARTICLE XXI.

Miscellaneous Instructions.

MARRIAGES.

275..Marriages celebrated in the presence of any Consular Officer in a foreign country, between persons who would be authorized to marry if residing in the District of Columbia, are valid to all intents and purposes as if the said marriage had been solemnized in the United States.

276..In all cases of marriage before any Consular Officer, the officer shall give to each of the parties a certificate of such marriage, and shall also send a certificate thereof to the Department of State there to be kept.

277..This certificate must be under the official seal and must give the names of the parties, their ages, places of birth and residence, the date and place when and where the ceremony was per-

formed, and that the marriage took place before the Consular Officer giving the certificate. (For a form, see Form No. 80.)

278..This act does not authorize the Consul to perform the ceremony. The Consul is forbidden to perform such ceremony unless he performs it within the precincts of a Legation of the United States, or of a Consulate which has by treaty or custom the privilege of exterritoriality; or unless he is expressly authorized to do so by the laws of the country in which he resides.

EXTRADITION AND RETURN OF CRIMINALS.

279..Consular Officers are sometimes instructed to assist in the arrest and detention of criminals, with a view to their extradition and return to the United States.

280..They will take no part in such arrest or detention without specific instructions in each case from the Department of State, or from the principal Diplomatic Representative of the United States in the country in which they reside.

TAXES.

281..Consuls are requested to inform the Department whether, in the countries in which they respectively reside, they are required to pay taxes of any description; and, if so, the rate and amount of such taxes. If in any country or city they are exempted from taxation, through courtesy, or by law or local regulation, they will communicate the fact, with a copy of the law or regulation, if such exist. They will also state whether any distinction is made in respect to taxation between Consuls who are permitted to trade or engage in business and those who are prohibited from so doing.

RECOMMENDATIONS FOR OFFICE.

282..Except for the subordinate positions in his Consulate, no Consular Officer will, in his official correspondence, recommend any person for office under the government of the United States. He will also carefully abstain from recommending to the government of the country in which he resides any person for appointment to office, such an act being an offense against the law.

Miscellaneous Instructions.

NEW INVENTIONS, DISCOVERIES, ETC.

283..If he sees new inventions or improvements in machinery, which he thinks may be used, or new seeds or plants, which he thinks may be propagated with advantage in the United States, he will give the Department such information about them as may be within his reach. And in case of seeds or plants, he will, as opportunity offers to do so without cost, send specimens to the Department of Agriculture.

284..He will communicate any useful and interesting information relating to agriculture, manufactures, population, and public works. In all that relates to scientific discoveries, to progress in the useful arts, and to general statistics in foreign countries, Consular Officers are expected to communicate freely and frequently with the Department; and to note all events occurring within their consular districts which affect beneficially or otherwise the navigation and commerce of the United States; the establishment of new branches of industry; the increase or decline of those before established; and communicate all the information which they may be enabled to obtain calculated to benefit our commerce and other interests, and the best means of removing any impediments that may have retarded their advancement.

PAUPERS AND CRIMINALS.

285..If the Consul has reason to think that the authorities of the country in which he resides, or any other persons, are shipping paupers or criminals as emigrants to the United States, he will at once forcibly protest to the local authorities, and will also immediately notify the diplomatic representative of the United States, (or the Consul General, as the case may be,) and the Department of State.

286..Such an act is regarded by the United States as a violation of the comity which ought to characterize the intercourse of nations.

PUBLIC SPEECHES.

287..Consular officers are not allowed to allude in public speeches to any matters in dispute between the United States and any other government, nor to any matters pending in the Consulate.

288..It is a still better rule to avoid public speeches when it can

be done without exciting feeling in the community in which the officer resides.

CORRESPONDENCE WITH THE PRESS.

289..Correspondence with newspapers or magazines in the United States by Consular Officers is prohibited. This prohibition does not extend to literary articles or subjects disconnected with politics.

PRECEDENCE OF CONSULAR OFFICERS.

290..The order of official precedence in the service is as follows: 1. Agents and Consuls General; 2. Consuls General; 3. Consuls; 4. Vice-Consuls; 5. Deputy Consuls; 6. Consular Agents; 7. Commercial Agents.

291..Agents and Consuls General rank with Commodores in the Navy, or Brigadier Generals in the Army.

292..Consuls General also rank with Commodores in the Navy, or Brigadier Generals in the Army.

293..Consuls rank with Captains in the Navy, or Colonels in the Army.

294..Vice-Consuls, Deputy Consuls, Consular Agents, and Commercial Agents rank with Lieutenants in the Navy or Captains in the Army.

295..Consuls are entitled to enjoy this precedence. If not allowed they will report to the Department.

EXAMINATION OF TITLES AND OTHER UNOFFICIAL SERVICES.

296..Consuls are frequently asked by their countrymen at home to examine titles, or to do other services for them in a foreign land.

297..It is sometimes even assumed that the parties making the requests have a right to such services. Consuls will treat all such requests courteously, and if they are unable to comply with them, will state the reasons clearly but unoffensively. They are at liberty to do such work for their countrymen for a private compensation, if it does not interfere with their performance of their official duties.

298..If it does so interfere, they must refuse it.

OFFICIAL CORRESPONDENCE AND BEARING ABROAD.

299..Consular Officers ordinarily have no diplomatic position, and must not assume such unless specially instructed by the Depart-

ment, or regularly presented in that capacity by a Diplomatic Representative of the United States on his leaving his post.

300..They, therefore, cannot ordinarily correspond directly with the government of the country in which they reside.

301..In the absence of a Diplomatic Representative, however, cases may arise in which a Consul may be required to correspond directly with the Government.

302..All such correspondence, as well as all correspondence with the local authorities, and with their colleagues, should be conducted in a courteous and dignified manner.

303..They will endeavor to cultivate friendly social relations with the community in which they reside.

304..They will refrain from expressing harsh or disagreeable opinions upon the local political or other questions which divide the community within their jurisdiction.

CERTIFICATES OF PROTECTION IN TURKEY.

305..Consular Officers in Turkey are instructed that henceforth certificates of protection shall be restricted to subjects of the Porte, and the subjects or citizens of other nations not represented at the Porte, and that they shall be issued to such persons only as are actually in discharge of official duty under the direction of the respective Consuls, or employed in their domestic service.

EMIGRATION PASSENGER LAW.

306..The act regulating the transportation of emigrants between Europe and the United States was passed on the 3d of March, 1855, and may be found in the 10th volume of the Statutes at Large, page 715. It is the duty of all Consular Officers to report to the Department of State all violations of the provisions of that act by masters of vessels bound to any port in the United States or any territory thereof.

NOTARIAL ACTS, ETC.

307..The act of 1856 (section 24) permits Consular Officers, whenever they are required, or deem it necessary or proper to do so, to administer to or take from any person an oath, affirmation, affidavit, or deposition; and also to perform any notarial act or acts, such as any notary public is required or authorized by law to do

or perform within the United States. Such acts, in order to be valid and effectual, must be certified by the Consul under his hand and seal of office.

308..The laws of some of the States and Territories of this Union authorize Consular Officers to take the acknowledgment of deeds, to take depositions, affidavits, &c., for use as evidence in such States and Territories respectively. When called upon for any service not within the usual functions and competence of a notary public, according to the general law and usage of commercial nations, the Consul will be guided by the State or Territorial Statute which empowers him to act in the premises. It sometimes happens that he is called upon by a State or Territorial tribunal to execute a commission for taking testimony. In these cases he may expect to be furnished with specific instructions by the court under whose commission he is to act, and should conform thereto with the utmost strictness. This function is regarded as outside of the regular duties and responsibility of a Consular Officer. Where its exercise is offensive to the government of the country in which the Consul is located, he is recommended to procure the attestation of the judicial officer, who, by the local law, is competent to take and certify depositions, to be used in foreign courts, and to accompany the same with his own attestation in the manner required by the instructions of the tribunal, at whose instance he is called upon to act.

It is to be understood that in such cases the Consular Officer does not act in his quality of an Agent of the Federal Government, but simply as a citizen of the United States whose local position and character render him available to his fellow-citizens for such services as might have been rendered by a private individual. He should make himself as useful as he can to his fellow-citizens, without giving offense to the government which gives him his exequatur.

VERIFICATION OF POWERS TO TRANSFER UNITED STATES STOCKS.

309..All powers of attorney in a foreign country for the transfer of any stock of the United States, or for the receipt of interest thereon, shall be verified by the certificate and seal of a Consul, Vice-Consul, Commercial Agent, or Vice-Commercial Agent, if any there be at the place where the same shall be executed. See No

81 for a general form for the authentication of a signature, and No. 82 for a certificate that an officer is qualified to administer an oath.

LETTERS UNCALLED FOR.

310..All letters addressed to the care, or in the custody, of Consular Officers remaining uncalled for for a period of six months are to be forwarded to the Post Office Department as dead letters, except that letters intended for officers and seamen of the navy in the Pacific and Asiatic squadrons are to be retained twelve months.

ARTICLE XXII.

Consular Fees.

311..All consular fees are to be collected in the coin of the United States, or at its representative value in exchange.

312..All acts are to be regarded as "official services," when the Consul is required to use his seal and title officially, or either of them; and the fees received therefor are to be accounted for to the Treasury of the United States.

313..When a fee is fixed in the following tariff for any particular act or transaction, no additional fee is to be demanded for signature, attestation, or annexing seal of office.

314..Receipts must be given for all fees, expressing the service for which they are received, and must be numbered consecutively, except those for certifying invoices, beginning with No. 1 at the commencement of the period of the Consul's service; and again commencing with No. 1 on the first day of January in each year. Invoices should be numbered separately and singly, and a corresponding number placed on the receipt.

315..They must be entered at length in the fee-book, which is furnished by the Department, so as to enable the Consul to make returns in accordance with Forms 94 and 95.

316..These returns must be made, in the mode hereafter indicated, without fail *at the close of each quarter*. There has been great remissness in the small unsalaried Consulates in complying with this instruction.

317..The fees of each quarter will be applied by the Consul

toward the payment of the compensation due him and to the authorized expenses of the Consulate.

318..Whenever a master or commander of a ship or vessel of the United States may have occasion for any consular or other official service which a Consular Officer is authorized by law or usage to perform, and for which fees are allowed, it is his duty to apply to the proper Consul to perform the service, and if he fails to do so, he must pay to the Consul the fees allowed for the service.

319..Consular Officers may retain possession of the papers of ships and vessels of the United States (deposited with them as directed by law) until payment be made of all demands and wages on account of said ships or vessels.

320..The following is the revised tariff of fees, prescribed by order of the President, and to be observed by all Consuls.

321..A failure to collect when due such fees as an official will leave the Consul liable to the Government for them.

322..All Consular Officers will keep posted in some conspicuous place in their offices a copy of this tariff.

323..TARIFF OF FEES.

Acknowledgments.

1. Of the master to bottomry bond, with certificate under seal	$2 50
2. Of the master to a mortgage or mortgage bill of sale of vessel	2 00
3. Of the master to an order for payment of seamen's wages or voyages, at home, including making up the order, if required	2 50
4. Of the merchant to assignment of bottomry bond	2 00
5. Of the vendor to a bill of sale of vessel	2 00
6. Of one or more persons to a deed or instrument of writing	2 00
7. Of one or more persons to a power of attorney	2 00

324..*Authenticating copies of papers.*

8. Of advertisement for funds on bottomry	1 00
9. Of inventories and letters, or either, of master	1 00

Consular Fees.

10. Of marine note of protest	$1 00
11. Of extended protest	1 00
12. Of account of sales of vessel, cargo, provisions, and stores, or either	1 00
13. Of advertisement of sale of vessel or cargo, provisions, or stores	1 00
14. Of call, warrant, and report of survey on vessel, hatches, cargo, provisions, and stores, or either, (for example see Form No. 45)	1 00
325.. *Authenticating signatures.**	
15. To average bonds	2 00
16. To estimate of repairs of vessels	2 00
17. To (auctioneer's) account of sales of vessel or cargo, provisions or stores	2 00
18. To reports of survey on vessel or cargo, provisions or stores	2 00
19. Of forms of application for arrears of pay and bounty of deceased or disabled soldiers	25
20. Of governors, judges, notaries public, custom-house and other officers	2 00
21. Of merchants and individuals	2 00
22. For authenticating all the vouchers and other papers necessary for drawing a pension	50
23. For any other consular authentication or service of like character not herein named or enumerated	2 00
326.. *Certificates.*	
24. To bill of health	2 50
25. Of indorsement of bottomry on ship's register	2 00
26. Of ditto on payment of bottomry on ship's register	2 00
27. Of ditto of new ownership on ship's register	2 00
28. Of canceling ship's register	2 00
29. To currency	1 00
30. Debenture certificate, including oaths of master and mate	5 00
31. Of decision and award, in cases of protests against masters, passengers, or crew, (for example see Form No. 34)	5 00

* When it is possible to embrace several signatures in one certificate, the Consul will do so; and but one fee will be charged for such certificate.

Consular Fees.

32. Of the deposit of a ship's register and papers, when required by custom-house authorities	$2 00
33. In cases of vessels deviating from the voyage	2 00
34. When ship's register is retained *entire* in the Consulate	2 00
35. Of identity	2 00
36. To invoice, including declaration, in triplicate	2 50
37. To invoice of goods not exceeding $100 in value, in British North American Provinces	1 00
38. When the amount of the invoice exceeds $100	2 50
39. Same of goods not exceeding in value the sum of $200	No fee.
40. Of place of birth of emigrants, and only when desired by them	25
41. For marriage certificate under the provisions of the thirty-second section of the consular judicial act of June 22, 1860	1 00
42. Of appointment of new master, including oath of master	2 00
43. Given to a master at his own request, (for example see Form No. 20,) if less than two hundred words, under seal	2 00
44. For every additional hundred words	1 00
45. Of the ownership of a vessel	2 00
46. To a seaman, of his discharge	No fee.
47. For master to take home destitute American seamen	No fee.
48. Of conduct of crew on board, in cases of refusal of duty and in cases of imprisonment, &c	2 00
49. Of sea letter	3 00
50. Of roll or list of crew, when required by the captain or authorities of the port	2 00
51. To shipping articles	2 00

Declarations and oaths.

52. Declaration and oath of master to one or more desertions, including oaths, attached to crew list and shipping articles, each	50
53. To one or more deaths or losses of seamen overboard at sea, including oaths attached to crew list and shipping articles, each	50
54. To ship's inventories or stores	50

Consular Fees.

55. To the correctness of log-book $0 50
56. To ship's bills and vouchers for disbursements and repairs 50

327..*Estates of deceased American citizens.*

57. For taking into possession the personal estate of any citizen who shall die within the limits of a Consulate, inventorying, selling, and finally settling and preparing or transmitting, according to law, the balance due thereon, five per cent. on the gross amount of such estate. If part of such estate shall be delivered over before final settlement, two and one-half per cent. to be charged on the part so delivered over as is not in money, and five per cent. on the gross amount of the residue. If among the effects of the deceased are found certificates of foreign stocks, loans, or other property, two and one-half per cent. on the amount thereof. No charge will be made for placing the official seal upon the personal property or effects of such deceased citizen, or for breaking or removing the seals, when required by the person or persons referred to in section 29 of the act of August 18, 1856.

328..*Filing documents in Consulate.*

58. Consul's certificate to advertisement for funds on bottomry 25
59. Inventories of vessels, cargo, provisions, and stores, or either 25
60. Estimate of repairs of vessel 25
61. To advertisement of sale of vessel, cargo, provisions, and stores, or either 25
62. Letter of master notifying Consul of sale of vessel, cargo, provisions, and stores, or either 25
63. Of master notifying auctioneer of sale of vessel, cargo, provisions, and stores, or either 25
64. Accounts of sale of vessel, cargo, provisions, and stores, or either 25

Consular Fees.

65. Calls of survey on vessel, hatches, cargoes, provisions, and stores, or either	$0 25
66. Warrants of survey on vessels, hatches, cargoes, provisions, and stores, or either	25
67. Reports of survey on vessels, hatches, cargoes, provisions, and stores, or either	25
68. For filing any other document prepared in or out of the Consulate	25

329..1st. *Consuls' orders and letters.*

69. To send seamen to hospital	No fee.
70. To send seamen to prison	2 00
71. To release seamen from prison	2 00
72. To authorities or captain of the port, in cases of sinking vessels	2 00
73. Requesting the arrest of seamen	2 00
74. For any other letter or order of like character	2 00

2d. *Licenses.*

75. For the issue of a license to a vessel clearing from a foreign port and destined to a port of the United States opened by the proclamation of the President	5 00

3d. *Passports.*

76. For visaing a passport	1 00

4th. *Protests, &c.*

77. For noting marine protest	2 00
78. For extending marine protest	3 00
79. And if it exceed two hundred words, for every additional one hundred words	50
80. For issuing warrant of survey on vessels, hatches, cargo, provisions, and stores, or either	2 00
81. Notifying surveyors of their appointment, also notifying agents of insurance companies interested, each	1 00

330..1st. *Preparing documents.*

82. For preparing agreement of master to give increased wages to seamen, attested under seal	2 00

Consular Fees.

83. For preparing any other official document or instrument of writing, not herein named or enumerated, if under one hundred words	$2 00
84. If exceeding one hundred words, for every additional hundred words	1 00

2d. *Recording documents.*

85. Appointment of new master	50
86. Average bonds, when required, for every one hundred words	50
87. Bill of sale, when required, for every one hundred words	50
88. Certificate given to master at his own request, when required	50
89. Consul's letter to captain of port, or authorities, in cases of sinking vessels	50
90. Order and Consul's certificate to pay seamen's wages or voyages, at home	50
91. Powers of attorney, when required, for every one hundred words	50
92. Protests of masters and others, other than marine protests, for every one hundred words	50
93. Sea letter, for every one hundred words	50
94. Calls of survey on vessel, hatches, cargo, provisions, and stores, or either; warrants and reports thereof; estimates of repairs; certificates of Consuls to advertisements for funds on bottomry, and of sale of vessel; inventory of vessel, cargo, provisions, and stores; letter of master to Consul notifying sale of vessel, cargo, provisions, and stores, or either; letter of master to auctioneer, and account of sales of vessel, cargo, provisions, and stores, or either, for every one hundred words of any document required to be recorded, except Consul's certificate to masters taking home American seamen	50
95. Any other document or instrument of writing not herein named or enumerated, prepared in or out of the Consulate, and required to be recorded, for every one hundred words	

Consular Fees.

331..*Receiving and delivering ship's papers.*

96. For receiving and delivering ship's register and papers, including Consular certificates as prescribed in Forms Nos. 13 and 14, one cent on every ton, registered measurement of the vessel for which the service is performed, if under one thousand tons; but American vessels running regularly by weekly or monthly trips, or otherwise, to or between foreign ports shall not be required to pay fees for more than four trips in a year; and tonnage fees shall not be exacted from any vessel of the United States touching at or near ports in Canada, on her regular voyage from one port to another within the United States, unless some official service required by law shall be performed $0 01

97. And for every additional ton over one thousand, one-half of one cent ..... ½

332..*Shipping or discharging seamen.*

98. For every seaman who may be discharged or shipped, including the certificates therefor attached to crew-list and shipping articles, to be paid by the master of the vessel 50

333..*Miscellaneous services.*

99. For administering oaths, not hereinbefore provided for, each 50

100. For attending an appraisement of goods or effects daily. 5 00

101. For attending valuation of goods, for every day's attendance during which the valuation continues 5 00

102. For attending sale of goods, for every day's attendance during which the sale continues 5 00

103. For attending sale of vessel, when required 5 00

104. For attendance at a shipwreck, or for the purpose of assisting a ship in distress, or of saving wrecked goods or property, over and above traveling expenses, a per diem of five dollars, whenever the Consul's interposition is required by the parties interested 5 00

Consular Fees.

105. For presiding at judicial proceedings (each day).....	$5 00
106. For Consul's seal and signature to clearance from custom-house authorities.....	2 00
107. For Consul's seal and signature to any document not provided for by the foregoing tariff.....	2 00

Sealing cars coming from Canada.

108. For each manifest with the Consul's certificate.....	25
109. For the sealing of each car, vessel, bale, barrel, box, or package.....	25

*Copies.**

110. For the first hundred words, fifty cents, and for every additional hundred words or less, fifteen cents.

ARTICLE XXIII.

Consular Accounts and Returns.

334. Consular Officers are required to keep the following accounts; some of which are called "accounts," and some of which are styled "returns," in the statute, viz: 1. Rent and miscellaneous account; 2. Disbursements for relief of seamen; 3. Return of extra wages; 4. Record of treasury fees; 5. Salary account and account current, or a general quarterly account.

335. In case a special account for any other purpose is opened by order of any Department, (as, for instance, for the arrest or extradition of a criminal,) that account will be kept separate, and a separate return thereof made.

336. All accounts, except the final account and the accounts for salary while waiting instructions and while going to the post, must be rendered at the close of the calendar quarter, viz: On the 31st March, 30th June, 30th September, and 31st December. If not rendered on the day, the Department must be advised of the reason of the delay, and the accounts must be forwarded by the earliest possible post.

* When parties have a right to call for copies, Consular Officers must make them at this rate. This does not, however, include the authentication, if that is required. The fee for the "copies" is not an official fee to be accounted for. The fee for authentication is an official fee.

Accounts and Returns.

337..Each account must be inclosed, as heretofore, in a separate dispatch, relating exclusively to the accounts which it incloses.

VOUCHERS.

338..Unless otherwise specially instructed, (as in the case of "postage,") a proper and satisfactory voucher must be furnished for every disbursement.

339..These vouchers should be in the English language, or if not, should be accompanied by a translation; should be full, showing exactly what the disbursement was for; should be numbered, and should be referred to in the account by number.

RENT AND MISCELLANEOUS EXPENSES.

340..This account is to be transmitted quarterly to the Secretary of State. Since the 4th day of August, 1869, these two accounts have been consolidated, and the consolidated account embraces the following items, viz: Rent; postage; stationery; freight and charges on boxes and packages, to and from the Department; flag-staff and fixtures; flag; consular seal; consular press; consular arms; record books; binding consular letters; blank forms, as prescribed by the Department; loss by exchange. (For a form, see Form 83.)

341..*Rent.*—The charge for rent is to be the sum actually paid, provided that sum does not exceed ten per cent. of the salary of the Consul as named in the statute. The voucher must show that the office is devoted solely to the business of the Consulate; otherwise, except where Consuls have a right to engage in business, the account will not be passed. (Form No. 84.)

342..Unsalaried Consuls are not entitled to rent, unless the fees exceed the amount which they are allowed to retain for their salary. In no event can they retain from the fees collected by them more than the amount actually paid for rent, which must never exceed the rate of $250 for the year. They can never *draw* for rent or compensation.

343..No Consul will be allowed disbursements for repairs of office, for care or cleaning of office, for furniture, (except a book-case,) nor for anything except the actual expense of office rent as hereinbefore provided.

344..*Postage.*—From the nature of the case, no voucher will be required for this item beyond the personal explanation of the Consul.

345..Postage is not to be charged by Consuls in their account with the Department, except on dispatches and letters received and written by them on official business and by reason of their office.

346..Letters of unofficial persons, not being members of their own families, are not to be sent by Consular Officers to the Department with official dispatches for transmission to persons in the United States. All unofficial letters are to be indorsed on the left upper corner of the envelope thus: U. S. Consulate at ———. ———, Consul. The signature of the Consul will be regarded as a certificate that the letter comes within this rule. *Letters not so indorsed and signed will not be forwarded through the domestic mails of the United States.*

347..Consuls will also take care to avoid unnecessary expenditures for postage. The use of light paper in formal returns, the limitation of their size, the shipment by sailing vessel of reports that can bide delay, the excision of blank half sheets from short inclosures, are suggested as means to this end; and consular letters to appraisers may be inclosed in dispatches to the Department.

348..Prepayment of postage on invoices to collectors of customs is not required, except in countries where increased postage is charged for omitting such prepayment.

349..*Stationery.*—Consuls are allowed for such stationery, comprised within the following articles as may be used in the *official correspondence* of principal Consular Officers *only*, namely: Ruled cap paper, with an inch blank margin around each page; letter, note, wrapping and blotting paper, envelopes, quills, steel pens and penholders, ink and inkstands, wafers, wax, pencils, gum bottle and brush, gum-arabic, india-rubber, rulers, tape or narrow ribbon for triplicate invoices, twine, cases or boxes for the safe-keeping and preservation of samples and invoices.

350..Articles of this description have often been furnished by the Department to Consular Officers. Where that has been done hitherto, the practice will be continued. In making requisitions,

Consuls will be careful to state what sort of stationery is wanted, and the amount of each kind.

351..*Freight and charges on boxes and packages to and from the Department of State.*—When the boxes and packages are addressed to or from the Consul, the voucher should be accompanied by a brief memorandum, showing in general terms their contents.

352..*Flagstaff and fixtures, flag, seal, press, record books, blank forms.*—These several articles are usually furnished by the Department to Consuls, but not to Consular Agents: except, in cases of urgent necessity, the Consul should write for them to the Department.

353..*Book-case.*—If there is no book-case in the consulate, the Consul is authorized to purchase a plain and movable one, to which may be attached drawers and pigeon-holes for the safe-keeping of stationery, filing papers, preservation of consular archives and correspondence, and also a sliding leaf or other convenient arrangement for writing. Disbursements will not be allowed for any other furniture.

354..*Binding.*—A Consular Officer should, as fast as his correspondence accumulates in sufficient numbers, cause it to be neatly bound in the manner prevailing in his Consulate. If practicable, it is better to have this work done at his office.

355..*Loss by exchange on the amount of the accounts.*—Consular officers who desire that the losses by exchange *actually and necessarily sustained* in the negotiation or sale of their drafts shall be allowed at the Treasury, are instructed that hereafter, in making up their accounts, they will be required to present vouchers in accordance with prescribed forms, exhibiting—

1st. The date of draft.

2d. The amount of draft in United States currency.

3d. Gross amount of draft in foreign currency.

4th. The rate of exchange.

5th. The cost of negotiation or sale of draft.

6th. The net proceeds in foreign currency.

7th. The net proceeds in the United States currency.

8th. Upon whom and on what account drawn. (Forms 85 and 86.)

356..The Department has noticed with surprise and regret that, in a few cases, the amounts charged in consular bills for loss in ex-

change have been unnecessarily large, and greater than they would have been if proper care had been taken to protect the interest and credit of the Government of the United States. Whenever any such instance of inadvertence or carelessness is hereafter brought to the attention of the Department, the Consul so offending will be prohibited from drawing on the Government, and required to transmit his accounts to this Department in due form, and to wait until after their adjustment here before the payment of the same. When such accounts have been adjusted by the accounting officers, and not until then, will he be authorized to draw on the bankers for the exact amount which is found to be due to him, without any allowance for loss in exchange; or a bill on the bankers will be transmitted to him.

DISBURSEMENTS FOR RELIEF OF SEAMEN.

357..This account should be a complete statement of the cases of relief afforded to destitute American seamen during the quarter, and should be kept as shown in Form No. 87. For forms of sundry vouchers, see Nos. 88, 89, 90, 91.

358..This return is made to the Fifth Auditor of the Treasury. Reference is made to the previous instructions for information as to the items to be embraced in this account and the vouchers to sustain them.

RETURN OF EXTRA WAGES.

359..This should be a complete return for the quarter of the portion of extra wages collected, under the statute, which belongs to the United States. The account should be rendered to the Fifth Auditor, as shown in Form No. 92.

360..The Consul will also transmit to the Fifth Auditor of the Treasury quarterly an account current, showing the amount of extra wages received, and on whose account, and the amount spent for the relief of destitute seamen, and how spent. This account will be made up in the manner shown by Form No. 93.

RECORD OF TREASURY FEES.

361..To the Fifth Auditor of the Treasury the Consul should make three quarterly returns of fees.

362..The first is a record of all the Treasury fees received during

the quarter, and should be, if the Consul resides at a seaport, as shown in Form No. 94. If the Consul resides at an inland place, it should be as shown in Form No. 95.

363..The second is the return of fees received on account of vessels and from other sources. This account should be kept and the return made as shown in Form No. 96.

364..The third is the return from the general fee-book of those fees not enumerated and contained in the return of fees prescribed in Form No. 96, which have been received at the Consulate during the quarter. A form for this return is shown in No. 97.

365..The Consul will also, annually, on the 31st day of December in each year, in form as shown in No. 98, return to the Secretary of State a statement of the aggregate of the fees received at the Consulate and the Consular Agencies during the calendar year.

SALARY ACCOUNT.

366..The first "salary account" will be for the time, not exceeding thirty days, that the Consul is receiving his instructions, (No. 99.) This is drawn in currency before sailing. A certificate (see No. 100) of the number of days occupied in receiving the instructions accompanies the account.

367..It is customary also to render a separate account for the time occupied in the transit from the Consul's place of residence to his post of duty, (No. 101.) This transit must be made in the shortest time in which it can be conveniently made by the ordinary routes of travel. This account will be accompanied by a certificate, as shown in Form No. 102.

368..After the Consul arrives at his post, the regular accounts should be rendered quarterly. In no case after the first quarter should an account be rendered for a fractional quarter until the final account, which will be made to the day when the right to receive compensation ceases. The first account should be accompanied by a certificate showing the day upon which he entered on the duties of the office, (Form No. 103.)

369..The final account will also be accompanied by a certificate (see No. 104) showing the time occupied in making the transit from the post of duty to the residence of the Consul.

370..Each account must be accompanied by a statement showing

the absence from the post during the quarter, and whether by leave or otherwise. Compensation will cease in case of absence without leave for more than ten days; or in case of absence with leave beyond the term of sixty days in any one year, in addition to the time usually occupied in going to and from the United States in case of the return of the officer on leave.

GENERAL QUARTERLY ACCOUNTS.

371..The fees collected during each quarter will be applied by the Consul—1st. To the payment of the compensation due him; 2d. To the authorized disbursements for office rent, blank books, &c.; 3d. Relief of destitute seamen; 4th. Expenses incurred in sending to the United States persons charged with crime, &c; 5th. Expenses incurred under special instructions.

372..If after the payment at the close of each quarter of the several accounts mentioned in the foregoing section, in the order there named, there shall still remain in the hands of the Consul a surplus, he shall deposit the same with Messrs. Baring Brothers & Co., London, or the Treasurer of the United States, taking a receipt, which must accompany his next salary account.

373..Attention is particularly invited to section 5, act of March 3, 1869: "That any Consular Officer of the United States who shall willfully neglect to render true and just quarterly accounts and returns of the business of his office, and of moneys received by him for the use of the United States, or who shall neglect to pay over any balance of such moneys which may be due to the United States at the expiration of any quarter, before the expiration of the next succeeding quarter, shall be deemed guilty of embezzlement of the public moneys, and shall, on conviction thereof before any court of the United States having jurisdiction of like offenses, be punished by imprisonment not exceeding one year and by a fine not exceeding two thousand dollars, and shall be forever disqualified from holding any office of trust or profit in the United States."

374..When the amount received by any Consular Officer on account of fees during the quarter shall be less than his salary for such quarter, he may draw on the Secretary of the Treasury for the difference, at fifteen days' sight. It must be stated on the face of the

draft that it is for the residue of salary, designating the quarter in which the deficiency occurred for which it is drawn, and that it is "payable in coin." The account of the receipts of the Consular Officer during the same quarter must precede the draft, so that it may be received and adjusted by the accounting officers prior to the presentation of the draft. All Consular Officers are explicitly instructed that their drafts on account of their salaries cannot be honored unless drawn in the manner stated in these instructions, and accompanied with the official statements and certificates herein pointed out.

375..For the mode of stating this account for salary and fees, see Form No. 105; for the certificate to accompany it, see Form No. 106; and for the form for the draft upon the Secretary of the Treasury for salary, see Forms No. 107 and No. 108.

376..When the quarterly account shows a surplus due the government, the account should be stated in the return in the manner shown in Form No. 109, instead of in the manner shown in Form No. 105. For the mode of calculating consular salaries, see Form No. 121; for the rates of foreign money or currency fixed by law, see Form No. 137; Consuls are, however, to regard this table only as an aid in ascertaining rates.

377..Consuls will also in addition to the foregoing make quarterly returns to the Secretary of State of—1. A copy of the invoice book, (Form No. 110); 2. Register of official letters received, (Form No. 111); 3. Register of official letters sent, (Form No. 112.) Arrivals and departures of American vessels, (Form No. 113.) Returns of deceased American citizens, (Form No. 114.) Navigation and commerce, (Form No. 115.) Semi-annual returns to the same officer, showing an abstract of passports issued, (Form No. 116.) And an annual return to the same officer, showing the names of the persons employed at the Consulate, (Form No. 117.)

378..To the Fifth Auditor of the Treasury, in addition to the returns already required, they will make a quarterly return of the seamen shipped, discharged, or deceased at the Consulate, (Form No. 118); and a quarterly return of the hospital dues collected at the Consulate for the quarter, (Form No. 119,) and a like return of the seamen who have come upon the Consulate otherwise than in the employment of a vessel or by regular discharge, (Form No. 120.)

379. RECAPITULATION.

TABLE No. 1.

Returns and accounts to be transmitted by Consular Officers to the Department of State.

QUARTERLY RETURNS.

Copy of invoice book	Form No. 110.
Register of official letters received	Form No. 111.
Register of official letters sent	Form No. 112.
Arrivals and departures of American vessels	Form No. 113.
Return of deceased American citizens	Form No. 114.
Navigation and commerce	Form No. 115.

SEMI-ANNUAL RETURN.

Abstract of passports issued	Form No. 116.

ANNUAL RETURNS.

Names of persons employed at the Consulate	Form No. 117.
Aggregate of fees received	Form No. 98.

QUARTERLY ACCOUNT.

Rent and miscellaneous expenses, with vouchers	Form No. 83.

TABLE No. 2.

Returns and accounts to be transmitted by the Consular Officers to the Fifth Auditor of the Treasury.

QUARTERLY RETURNS.

Record of treasury fees, with oath	Form No. 94 or 95.
List of seamen shipped, discharged, or deceased at the Consulate	Form No. 118.
Statement of relief to seamen	Form No. 87.
Return of extra wages	Form No. 92.
Fees received on account of vessels	Form No. 96.
Fees not contained in Form No. 96	Form No. 97.
Hospital dues collected during the quarter	Form No. 119.

QUARTERLY ACCOUNTS.

Account current.—To be accompanied by vouchers and certificates, as per Forms Nos. 88, 89, 90, 18, and 105	Form No. 93.
Salary account, with certificate of non-absence and vouchers, in case of sale of draft, as per Forms Nos. 106, 85, and 86	Form No. 105. or Form No. 109.

ARTICLE XXIV.

Consular Reports.

REPORTS TO THE SECRETARY OF STATE.

380..To enable the Secretary of State to make the Reports upon the Commercial Relations of the United States which the laws authorize him to make, Consular Officers will procure and transmit to the Department of State full and authentic commercial information respecting the communities in which they reside.

381..They will transmit, as soon as they are published, statements of all changes in the commercial systems of the governments to which they are accredited, copies of all commercial treaties, regulations, light-house notices, revenue laws, acts and regulations respecting warehouses, tonnage duties, and port dues; all tariffs and modifications thereof, and all enactments, decrees, royal orders, or proclamations which in any manner affect the commercial, agricultural, mining, or other important interests of the United States. All dispatches communicating information of this character must be indorsed "commercial information," and be strictly confined to this subject. If the information is contained in printed newspapers, circulars, pamphlets, or public documents, two copies must be sent.

382..All Consular Officers will forward to the Department of State, at the close of each year, ending September 30, so that the information can be communicated to Congress at its session immediately thereafter, a report on the trade of the Consular districts in which they respectively reside during the preceding year, specifying the articles of import and export, the countries which supply the former and receive the latter, the comparative increase or decrease

in the amounts of the same, and the causes in both cases for either the general regulations of trade and their effects, the average market prices within the year of the staples of export and import, and the average rates of freight to the United States. They will also designate articles prohibited to be imported into their Consular districts, whether from the place of their growth or production or from other places, specifying what changes have occurred since their last reports; and also all privileges of importation or restrictions thereon, if such there be, and to what vessels they apply, and all differences in duties on articles imported in foreign or national vessels; all tonnage duties and other port dues, and all warehouse and sanitary regulations, and those relating to entry or clearance, where such exist and have been subjected to modification since their last reports. They will also communicate detailed information touching the employment, in their Consular districts, of the capital of our citizens, whether employed in industrial, agricultural, scientific, or commercial pursuits; they will transmit, in like manner, tabular or other statements touching the consumption of the staple products of the United States as well as of other countries, the amount of those articles imported into such districts in American vessels, and the amount of foreign tonnage employed in such trade.

383..It is desirable that, accompanying the quarterly reports of the arrivals at and departures of American vessels, there should also be forwarded a recapitulation of the said reports, in which should be stated the number of vessels that came from each port and the ports for which they cleared, with the description, quantities, and values of the inward and outward cargoes opposite, so far as they can be obtained; also the total number of vessels, the total values of inward and outward cargoes, the number of each class of vessels entered and cleared, and the aggregate tonnage entered.

384..If a vessel is in port at the first of the quarter, state the port where bound and the outward cargo, and write "in port" under "WHERE FROM."

385..State the total number of vessels from each port, and the port or ports from which they clear, and the inward and outward cargoes opposite. If two or more vessels clear for the same port,

give their number and the description and aggregate values of their inward and outward cargoes opposite.

386..If a cargo is composed of one or two leading articles, it might be well to give their quantities; but where it is composed of a miscellaneous assortment, a general description and aggregate value is all that is necessary.

387..If a vessel does not clear during the quarter, state the port where from and the inward cargo, and write "in port" under "WHERE BOUND," and vessel "in port" under "OUTWARD CARGO."

388..If a vessel enter and clear carrying the same cargo, state the port where from, the port where bound, and, if possible, the description and value of the inward cargo, and under "OUTWARD CARGO" write "inward cargo," and value; and also state whether such vessel called "for orders," "supplies," "repairs," or "in distress," as the case may be. If a vessel land part of her cargo and carry out the remainder, state the description and total value of the inward cargo, and the description and value of the "part of inward" which she carries out.

389..If a vessel, while in port, be sold to foreigners, write "sold" under "WHERE BOUND," and under "OUTWARD CARGO" "vessel sold and took [here give the name of the country flag."]

390..If a vessel be condemned as unseaworthy, write "condemned" under "WHERE BOUND," and "vessel condemned" under "OUTWARD CARGO."

REPORTS TO THE SECRETARY OF THE TREASURY.

391..It is the duty of every Consular Officer to furnish to the Secretary of the Treasury, as often as shall be required, the prices current of all articles of merchandise usually exported to the United States from the port or place in which he shall be located.

392..Consular Officers are also requested to transmit, at least once a month, if opportunity offers, to the Secretary of State and to the Comptroller of the Treasury, the rates of exchange, and also a statement of the rates at which any depreciated currency of the country in which they reside is computed in United States or Spanish dollars, or in silver or gold coins of other countries, observing in all cases of an estimate of the value of the currency in such

foreign coins that their weight and standard should be made known to the Department.

393..Consular Officers will also report monthly to the Treasury Department the rates of exchange prevailing between the ports or places at which they reside, and the following places, to wit: London, Paris, Amsterdam, and Hamburg; also New York, and other principal ports in the United States; and they will keep the Department regularly and fully advised of the course and progress of trade from the several ports of their Consulates to the United States.

394..Consular Officers will transmit, quarterly, information on the following points to the Secretary of the Treasury, not only in reference to the trade of the place of their residence, but that of the neighboring country or towns with which it may be connected commercially, or through which their merchandise may be shipped to the United States: 1st. The usual terms on which merchandise is bought and sold, whether on credit or for cash. The usual discounts allowed, either from custom or in consideration of cash payment, or from other cause; whether such discounts are uniform, and, if not, whether they vary in the same, or only on different descriptions of merchandise; and whether such discounts, or any of them, are regarded as a bonus or gratuity to the buyer for his benefit; whether he purchases for himself or ships merchandise to order and for account of others. 2d. The bounties allowed on articles exported, and for what reason, and under what circumstances; whether they are the same on exports by national or foreign vessels; if not, the difference; the rates of such bounties, and how estimated, whether on weight, measure, gauge, price, or value. 3d. The customary charge of commissions for purchasing and shipping goods of different descriptions; the usual brokerage on the purchase or sale of merchandise; whether it is paid by the buyer or seller, or by both. 4th. The usual and customary expenses in detail attending the purchase and shipment of merchandise, including commissions, brokerage, export duty, dock, trade, or city dues, lighterage, porterage, labor, cost of packages, covering or embaling, cooperage, gauging, weighing, wharfage, and local imposts or taxes of any kind; which of the foregoing, or other items, are usually included in the price of the article, or become a separate charge to be paid by the shipper or purchaser.

Reports.

395..In the case of merchandise purchased at the interior places, or in other countries having no shipping ports of their own, for shipment to foreign countries, through the ports of the Consulate, the customary expenses attending the transportation from such interior places or countries to the port of shipment, including all transits, exports, or import frontier duty, and every other charge up to the arrival at such port, and the ordinary expenses attending the shipment thereof.

396..Consular Officers will forward regularly, and as often as practicable, to the general appraisers residing at New York, Boston, and San Francisco, such prices current, manufacturers' statements of prices, or merchants' printed circulars of prices, and such other general information as may be useful to appraisers in the discharge of their duties. These reports will be transmitted, under cover, to the Department of State.

397..Consular Officers will include in their several reports, in detail, information on any other points which they may think proper, in order to an ascertainment of the value of merchandise forwarded to the United States, and the assessment of the legal duties, forwarding any printed or other documents which they may think desirable that the Department should possess.

ARTICLE XXV.

Record Books and Archives.

398..The following record books are to be kept at all inland Consulates of the United States:

399..A *dispatch book*, into which are to be copied all official communications written by the Consular Officer to the Department of State. Press copy books are not to be considered as permanent records.

400..A *letter book*, into which are to be copied all other official communications written by the Consular Officer.

401..A *fee book*, in which the Consular Officer shall register all fees received by him in the order in which they shall be received specifying in such register or fee book each item of service; the amount received therefor; from whom and the date when received; and indicating what items and amounts are embraced in each

receipt given by him therefor, and numbering the same according to the number of the receipts, respectively, so that the receipts and register shall correspond with each other. The Consular Officer will specify the name of the person for whom and the date when he shall verify any passport, certify any invoice, or perform any other official service, in the entry of the receipt of the fees therefor in such register; and also number each consular act so receipted for with the number of such receipt as shown by such register. The fee book is to be ruled and kept in accordance with Form No. 94 or 95.

402..A *passport book*, in which are to be registered all passports issued or visaed by the Consular Officer. (No. 122.)

403..An *invoice book*, to be ruled and kept in accordance with Form No. 110, and with the instructions prescribed in the chapter on verification of invoices.

404..A *miscellaneous record book*, for the entry of those official papers and records which cannot conveniently be classified and entered in the record books above named.

405..A *register of official letters received at the Consulate*, which shall embrace the following information: name of the writer, number and date of letter, when received, its import, and remarks thereon, as prescribed in Form No. 111.

406..A *register of official letters sent from the Consulate*, stating the date and import of the letter, and the name of the person to whom sent, as prescribed in Form No. 112.

407..In seaports the following additional books will be used:

408..A *record book of commercial returns*, to be kept in accordance with Form No. 113, in which must be stated, in respect of vessels, the number, date of arrival, class, name, and tonnage of all American vessels, where belonging, whence from, whither bound, when and where built, master and owners' names; and in respect of cargoes, both inward and outward, under distinct heads, as nearly as possible, the description, quantity, and value of the same, and where produced or manufactured.

409..A *seamen's register*, in which shall be recorded a detailed list of all seamen shipped, discharged, or deceased at the Consulate or Commercial Agency, and the payments made on account of each, according to Form No. 118.

Record Books and Archives.

410..A *relief book*, showing the number and names of all seamen relieved, from what vessel discharged, date and cause of discharge, and date of leaving the Consulate; embracing also the several amounts disbursed on their account, as particularly described in Form No. 87.

411..A *quarterly account current book*, in which shall be recorded the account current furnished quarterly to the Fifth Auditor, as per Form No. 93.

412..A *protest book*, for the entry of notes of marine protests, in accordance with Form No. 30.

413..A *book for the entry of extended protests.* (See Form No. 31.)

414..A *daily journal* is to be kept, as prescribed in Form No. 123.

415..When a paper of any description shall be entered or recorded in either of the said books, the same shall be indexed by a reference both to the name of the author and the subject of the paper.

416..The answers received to official letters, and all other papers transmitted to the Consulate, intended to be permanently kept there, shall be put in a proper place, labelled according to their subject-matter, until a sufficient number shall accumulate to form a volume; when they shall be bound and indexed in the same manner as is directed with respect to other records.

417..All the consular books must be regularly paged; but where blanks occur, (as in the book of original letters, from the covers and unwritten pages,) a cross must be made over the blank page, and it is not to be numbered.

418..The consular books are to be kept distinct from those of the Consul's private affairs; and if the Consul is at liberty to transact business, his consular business should, if possible, be transacted in a separate apartment from that in which his ordinary commercial or other affairs are carried on, designated by the arms of the United States exhibited at its entrance wherever such an exhibition of the arms is not prohibited by the local regulations.

419..All Consular Officers are instructed to take care that the archives are kept in proper order; and with this view, as well as to facilitate reference to previous correspondence, they will keep in their offices registers of all the documents, papers, letters, and books which have been or which may be at any time received, and also of

those forwarded by them on matters connected with their official duties. (See Forms 111 and 112.)

420..The originals of all dispatches and letters addressed to a Consular Officer, and copies of all that are written by him in his official capacity, including all official reports and returns, all books presented to the Consulate, or sent to it by the Department, also all the record books, as described in this chapter, are to be considered as official documents, and are to be deposited among the consular archives, after being duly registered, and transferred with the effects of the Consulate, together with the seal, press, arms, and flag, and all other property belonging to the United States, to his successor in office.

ARTICLE XXVI.

Judicial Powers in Oriental and African Consulates, and Consulates in Uncivilized Countries.

421..It has already been stated that the Consular Officers of the United States in China, Japan, Siam, Borneo, Madagascar, Turkey, Tripoli, Tunis, and Morocco, enjoy exceptional and exclusive judicial powers. Reference is made to the former statements on this subject and to the several treaties in the appendix, for the particular jurisdiction conferred in each case.

422..The Consuls and Commercial Agents of the United States at islands or in countries not inhabited by any civilized people or recognized by any treaty with the United States, are also invested by statute with the power to hear and determine cases in regard to civil rights where the debt or damage does not exceed $1,000, exclusive of costs; and also to issue warrants to arrest offenders, to arraign, try, and convict them, and to punish them to the extent of $100 fine, or to imprisonment not to exceed sixty days.

423..The modes of proceedings in these cases and the laws by which Consular Officers are to be governed, are prescribed or provided by the statute of June 22, 1860, and July 1, 1870, which will be found in the appendix.

424..The provisions of the statute of 1860 apply directly to the Consulates in China, Japan, and Siam.

425..They apply in terms to Turkey, (see section 21 of the act of

1860,) so far as they relate to crimes and offenses; and as to civil cases, so far as the laws of Turkey permit.

426..It has, however, been recently discovered that there is a discrepancy between the Turkish and English drafts of the fourth article of the treaty of May 7, 1830, with the Ottoman Porte. The nature of this discrepency is explained in the appendix. The Consular Officers in the Ottoman Dominions will be careful to make no issue which will impose upon this government the necessity of maintaining the correctness of the English version of that draft until the questions raised have been more fully considered.

427..The statute of 1860 is extended (section 28) to Persia. By the act of July 1, 1870, it is also extended to Madagascar and to other countries with which treaties may hereafter be made. By the act of July 20, 1860, it is extended to Alexandria; but the Agent and Consul General will be governed by the instructions already given to Consular Officers in the Ottoman Dominions.

428..By the 29th section of the act of 1860, the provisions of the act are extended to the Barbary States so far as in conformity with existing treaties.

429..Consuls are referred to the text of the laws for detailed instructions. Some of the leading provisions only will be noticed in this connection.

WHAT LAWS TO GOVERN PROCEEDINGS.

430..The jurisdiction is to be exercised in conformity with, 1st, the laws of the United States; 2d, with the common law, including equity and admiralty; and 3d, with decrees and regulations, having the force of law, made by the Ministers of the United States in each country respectively, to supply defects and deficiencies in the laws of the United States, or the common law as above defined.

431..This power of the Ministers to make laws and regulations is limited, by construction of the Department, to acts necessary to organize and give efficiency to the courts created by the act.

FORMS OF PROCEEDING.

432..The forms and practice in each Consular Court have now become settled by usage. Each Consul will conform to them. Should he find defects in any part of the existing system, he will call the

attention of the Diplomatic Representative of the United States to them. The power or directing a change is vested in that officer by law.

LIMITATION OF CONSULAR JURISDICTION.

433..The power of commencing original, civil, and criminal proceedings is vested in Consular Officers exclusively.

434..They can also, sitting alone, determine all criminal cases where the fine imposed does not exceed five hundred dollars, or the term of imprisonment does not exceed ninety days; and may impose fines to the extent of fifty dollars, or imprisonment not exceeding twenty-four hours, for contempt committed in the presence of the court, or for failure to obey a summons.

435..They may also, when of opinion that legal questions may arise in which assistance may be useful, or that a severer punishment is required, summon associates, not more than four in number, taken by lot from a list to be previously approved by the Minister, to sit with them on the trial, each of whom is to enter upon the record his judgment and opinion, and to sign the same; but the Consul himself gives the judgment in the case, whether it accords with that of his associates or not.

436..In trials for capital offenses, there must be four associates, who must all agree with the Consul in order to convict, and the opinion must be approved by the Minister before there can be a conviction.

437..They have exclusive jurisdiction in civil proceedings where the damage demanded does not exceed five hundred dollars.

438..When the amount demanded exceeds five hundred dollars, or when the Consul thinks the case involves legal perplexities, and that assistance will be useful, he may summon to his aid not less than two nor more than three associates, to be selected from a list of persons nominated by the Consul for the purposes of the act to the Minister, and approved by him. They shall hear the case with him. The Consul, however, is to give the judgment. If they agree with him, the judgment is final. If they or any of them disagree, the opinions of all are to be noted on the record and subscribed by them, and the judgment of the Consul is then subject to appeal.

439..One of the first duties of a Consular Officer after arrival at

his post will be to make himself acquainted with the leading resident citizens of the United States, in order that he may nominate for the approval of the Minister a list of individuals for the purposes of the act of 1860.

440..This list should be full, so as to embrace every interest in the little community.

441..It should be composed exclusively of citizens of the United States, of good repute, residing at the port.

442..It should be immediately sent to the Minister for approval, and when a new accredited Minister arrives in the country it should be sent to him for revision.

443..From time to time new-comers-should be added to it, and persons found incompetent stricken from it.

444..No person should act as associate on a trial who has an interest direct or contingent in the result of the suit.

APPEALS.

445..An appeal may be taken in criminal cases from a decision of a Consul acting alone where the fine exceeds one hundred dollars, or the time of imprisonment for a misdemeanor exceeds ninety days.

446..If associates sit with the Consul in criminal proceedings, (except capital,) an appeal can be taken to the Minister only in case of disagreement between him and one of his associates.

447..In civil proceedings, in cases arising before the 1st day of July, 1870, an appeal can only be taken to the Minister from cases in which associates sit with the Consul, and in which there is not an agreement of opinion.

448..In cases arising after the 1st day of July, 1870, an appeal may be taken to the Minister from final judgment in the consular courts of China and Japan, where the matter in dispute exceeds five hundred dollars, but does not exceed two thousand five hundred dollars, exclusive of costs; and where the matter exceeds two thousand five hundred dollars, exclusive of costs, the appeal may be taken to the Circuit Court for the district of California.

449..There are also regulations for appeals from the judgments of Ministers to the Circuit Court of California.

450..The judicial acts of the Consular Officers may therefore be subjected to severe scrutiny in appellate courts.

MARSHALS, JAILS, ETC.

451..Provisions are made by law for the appointment of Marshals to Consular Courts to execute all process issued by the courts. They are to give bonds for the faithful performance of their duties, (Form 124,) and to make quarterly returns to the Secretary of State, showing the nature of each case determined in the Consular Court, the proceedings in connection therewith, and the disposition of the fines and fees. They will also at the same time transmit to the Fifth Auditor for adjustment their accounts for compensation, (Form 125.)

452..Should there be no such officer, the Consular Officer provided by law may appoint one for the time being, under his hand and seal of office, reporting his action to the Department.

453..The Consul General at Shanghai and the Consul at Kanagawa are to provide suitable buildings to be used as prisons for American convicts in China and Japan respectively.

454..Consuls at other Chinese and Japanese ports will be allowed a reasonable sum for the hire of constables and care of offenders.

CONSULAR COURTS IN BORNEO.

455..Should a Consul be appointed in Borneo, the judicial powers conferred by the ninth article of the treaty of June 23, 1850, will be exercised as far as possible in conformity with the provisions of the act of June 28, 1850.

MIXED COURTS.

456..In Tunis, Morocco, and Tripoli, citizens of the United States committing murder or homicide upon a subject of those powers, are to be tried by a mixed court, at which the Consul is to "assist."

457..The undisputed portion of the fourth article of the treaty of 1830 with the Ottoman Porte provides for the supervision of the American Dragoman in the hearing of all litigations and disputes arising between the subjects of the Sublime Porte and citizens of the United States.

458..It is not in dispute that the usages observed toward other Franks are to be observed toward citizens of the United States. These usages are believed to be the following:

1. Turkish tribunals for questions between subjects of the Porte and foreign Christians.

2. Consular Courts for the business of each nation of foreign Christians.

3. Trial of questions between foreign Christians of different nations in the Consular Court of the defendant's nation.

4. Mixed tribunals of Turkish magistrates and foreign Christians, at length substituted in part for cases between Turks and foreign Christians.

5. Finally, for causes between foreign Christians, the substitution at length of mixed tribunals in place of the separate courts—this arrangement introduced at first by the legations of Austria, Great Britain, France, and Russia, and then tacitly acceded to by the legations of other foreign Christians.

459..Whatever favorable usage may be observed toward subjects of Great Britain, France, Austria, Italy, Russia, North Germany, or of any other great power, must be claimed and insisted upon in favor of citizens of the United States; for, by the first article of the treaty of February 25, 1862, between the United States and the Ottoman Empire, it is agreed that all rights, privileges, and immunities granted to the subjects of any other foreign power shall be equally granted to and enjoyed by the citizens of the United States.

460..The revised treaty with China of 1858 also provides that if controversies arise between citizens of the United States and subjects of China which cannot be amicably settled otherwise, the same shall be examined and decided conformably to justice and equity by the public officers of the two nations, acting in conjunction.

ARTICLE XXVII.

Treasury Regulations.

461..The instructions in this article have been carefully revised by the Treasury Department, and have the sanction of the Secretary of the Treasury. Consular Officers will take particular note of the Forms, in which several important changes have been made.

1. AUTHENTICATION OF INVOICES OF IMPORTATIONS INTO THE UNITED STATES.

462..All invoices of importations from countries in which there

are such officers,* must, before shipment of the merchandise, be produced to and authenticated by the United States Consular Officer nearest the place of shipment for the United States. Authentications subsequent to shipment *are illegal and void.*

463..By the place of shipment, is meant the place where the merchandise has been manufactured, finished, or finally prepared for exportation, and where the journey to the United States commences; and is not necessarily the place where it is actually put on board ship.

464..Countries adjacent to the United States are excepted from the above rules. The authentication *there* may be by the Consular Officer at or nearest to the port or place of clearance for the latter.

465..All such invoices must be triplicate; the three copies to be regarded as *one invoice,* and subject to only one charge for consular certificate.

466..The authentication must be by certificate under the consular seal, and must be either indorsed on each copy of the invoice, or attached by tape, cord, or ribbon, passed under the seal in such manner as to secure integrity.

467..The certificate must state that the invoice has been produced to the officer certifying; also the date of such production, the name and identity of the person producing, and the intended port of destination of the merchandise in the United States, as declared by such person.

468..It is desirable that it should also, as far as practicable, indicate the facts in regard to market values at the principal markets of the country, of all merchandise the duty on which is in any respect or part based on such values. (See note to paragraph 477.)

469..The act of March 3, 1865, fully recognizes the solemnity of these certificates, and the importance of consular fidelity in regard to them; but Consular Officers are not to consider themselves authorized under its provisions absolutely to withhold their certificates, *even* when they believe the cost or market values set forth in

* In countries without a United States Consular Officer, the authentication is made, 1st, by a Consul of a country in amity with the United States, who resides there, or, 2d, if there be no such Consul, then by two respectable resident merchants.

the invoice to be too low;* but in such cases they will, on due investigation, certify on the invoice what, in their opinion, is such true market value, and let the importer take the hazard of satisfying Customs Officers of the contrary.

470..To facilitate this, it is recommended that every invoice should, upon its face, at the right hand margin, have a blank column for "consular corrections of invoices;" in which, when he deems it necessary, the Consul may enter in figures what he regards as the true values at the principal markets of the country, and certify accordingly, as set forth in Forms Nos. 128 and 130.

471..It is the duty of Consular Officers to acquaint themselves as thoroughly as possible with market values at the principal markets of their districts; with the weights, measures, tares, bounties, &c., there used; and in general with all requisites to enable them to certify intelligently. They may retain invoices for a reasonable time for proper inquiry.

472..To judge correctly the market value of any given article, it will often be important to inquire carefully as to prices in sales thereof for other markets than our own. When the United States are the principal consumers, and fictitious sales to create nominal values are detected, Consuls should ascertain the actual cost of production, and add the customary percentage for profits. In such cases especial care is enjoined as to certificates.

473..They will, in all proper cases, require samples of the merchandise to be deposited with them, especially when the invoice descriptions of merchandise are not specific and full enough to enable them, or Customs Officers, intelligently to judge of the market value without inspection of the merchandise itself. It is particularly enjoined upon Consular Officers at London, Manchester, Leeds, Glasgow, Belfast, Paris, Lyons, Zurich, Basle, Aix-la-Chapelle, Berlin, Leipsic, Dresden, Vienna, Frankfort, and Brussels, *generally* to require samples of all merchandise imported from there, of a nature to be sampled.

474..All samples must be accompanied by a card (see Form No. 136) or statement, which, if practicable, shall be attached thereto, containing the particulars indicated on the Form prescribed by the

* See Act of July 28, 1866, chap. 298, sec. 9. Heyl's Digest, 503.

Department, including the certificate at the bottom thereof, which must be signed by the shipper or his agent; and samples of textiles must be of such size as may be indicated by the proper revenue officer of the Treasury Department.

475..All samples must be carefully preserved, together with the cards or statements accompanying them, and must not be suffered to be inspected or seen by others than officers or agents of the Government, except in cases of exhibition for the purpose of ascertaining or establishing the market value or price; in which case the name of the shipper will not be made known.

476..Every invoice must be signed by the owners or shippers of the merchandise invoiced, if the same has been actually purchased; or by the manufacturers or owners, if the same has been otherwise obtained; or, if in either case this is impracticable, then by a duly authorized agent. (See paragraph 479.)

477..It must, when produced to the Consul, be indorsed with a declaration signed by such purchaser, manufacturer, owner, or agent, setting forth—

(*a*) That it is in all respects true.

(*b*) That no different invoice of the articles therein mentioned has been, or will be, furnished to any one.

(*c*) That it sets forth the actual quantity, respectively, of all articles therein named which are subject to specific duty.

(*d*) That as to all articles therein named, which are subject, either wholly or partly, to a duty based upon their value, *and obtained by purchase*, it contains a true and full statement of the time and place of purchase, their actual cost, and all charges upon them in the currency paid therefor; *and when otherwise obtained*, the actual market value thereof, respectively, at the principal markets of the country in which they were obtained or manufactured.*

(*e*) That no discounts, bounties, or drawbacks are contained in said invoice but such as have been actually allowed. Forms 126 127, and 134.

478..This declaration on the part of the owner, manufacturer, purchaser, or agent, whether under oath or not, is the verification

* See act of August 30, 1842, chap. 270, sec. 16, post, p——; also, Cliquot's Champagne, 3 Wall, 114; St. Marceaux's Champagne, 1 Ben., 241; also 2 Brightley's Digest, 255, notes.

of the invoice before shipment, recognized and prescribed by the acts of March 3, 1863, and March 3, 1865, and must not be confounded with consular authentication.

479..The declaration should, if possible, be made by the actual owner, manufacturer, or shipper of the merchandise. No agent must be permitted to make it, or otherwise verify the invoice, without having first filed with the Consul a duly executed power of attorney, authorizing him to act for and bind his principal. (See paragraph 476.)

480..When a verification by oath or affirmation of the owner, shipper, manufacturer, or agent, is deemed necessary by the Consular Officer, the affiant may, in countries where an oath, to be of legal force, must be taken before a local magistrate, or other officer, take the same before any such officer. The language and form of the oath, if taken by foreigners, should be those of their country. For the authentication of a signature in these cases, the fee of two dollars, prescribed by the consular tariff, is to be charged.

481..Consular Officers are forbidden to be in any way interested in the fees, or to interfere with the selection of such magistrate, or other officer. They may, in their discretion, on points on which they are in doubt, examine experts and others, either on affidavit or orally, without charge or expense to the United States Government.

482..To facilitate the operations of the custom-house, Consuls will take care that, when practicable, all invoices are properly folded and indorsed, and all blanks properly filled.

483..One invoice must not embrace merchandise shipped by two or more vessels.

484..Every invoice must truly state quantities in the weights and measures of the country or place from which the importations are made, without respect to those of the United States,* and should set forth the quantity by weight of all woolen, worsted, mohair, and mixed goods, (excepting carpeting and bunting;) also of cotton bagging, of crinoline, corset, and hat steel wire, and the quantity by weight, measure, or tale, respectively, of all other goods the duty of which is estimated partly on either weight, measure, or tale.

485..When the value of a foreign currency mentioned in the in-

* Act of June 30, 1864, chap. 171, sec. 27, *post*, p——,

voice is not fixed by United States laws, as set forth in the "Table of Equivalents," (Form No. 137,) or shall have depreciated, or have been debased subsequently to the passage of such laws, the invoice must be accompanied by a consular certificate, (Form No. 133,) showing the value of such currency in United States silver dollars. No such certificates are required as to invoices of Swiss goods, made out in the *franc federal;* the franc of France being the standard value thereof.

486..The Consular Officer must return one of the triplicates to the person producing them; file one in his office for careful preservation; and, as soon as practicable, transmit the remaining one directly to the collector of the port of destination of the merchandise, either by the master of the vessel in which shipment is made, or by mail, and without the intervention of any party in interest.

487..Prior to forwarding the last-named copy, the Consul shall stamp, near the bottom of its first page, at the left-hand corner, and upon his certificate, (on which he shall personally write his name,) the amount of the invoice, its consular number, the name of the Consulate, and the amount and number of the fee received for the consular authentication.

488..The said copy (or copies, if there are two or more invoices to be forwarded by the same vessel or mail) must then be placed in an envelope, carefully addressed to the collector, and stamped with the name of the Consulate and the date. The blank for the numbers of the invoices must be filled in writing. A small silk cord or narrow ribbon must then be passed through the envelope, near the ends and sides, and under the consular seal, with which the envelope must be carefully sealed. (Forms Nos. 131 and 132.)

489..When invoices are transmitted from a Consulate in the interior, or place of purchase, or manufacture, to the Consul of the port of shipment therein designated, to be thence forwarded to the proper Collector, the package must be accompanied with a descriptive list to facilitate comparison with the ship's manifest, before taking the master's receipt, as per Form No. 129. The latter Consul must see that the integrity of the package is duly secured in the manner prescribed in the preceding paragraph.

490..The copy filed at the Consulate must be carefully folded,

and indorsed with its number, date, the name of the owner or shipper, and the name of the vessel in which the merchandise is shipped.

491..Consular Officers will, on request of the proper collectors, supply them, free of charge, with copies of any such documents on file in their offices as they may need in the discharge of their official duties. Copies prepared by other persons for their own use will, on request, be certified on payment of two dollars. When, however, duplicates of originals are required, or the copy is prepared by the Consul, the schedule fee will be exacted as for original service.

492..If a Consular Officer ascertains and has reliable evidence of the falsity of an oath, administered either by himself or by a local magistrate whose certificate he has authenticated, he should notify the Treasury Department; which will transmit to him the original invoice and oath, to be used, if deemed expedient, in a prosecution for perjury. He should also promptly inform the Treasury Department, and the collector of the port to which goods may be destined, of all errors and frauds discovered in invoices that have been certified by him.

493..The act of June 27, 1864, authorizes the Secretary of the Treasury to make regulations for sealing vessels, cars, and other vehicles coming into the United States with dutiable merchandise from any contiguous foreign lands or countries. The declaration to be made in such case is shown in Form 135.

2. Relation between Consular Officers and Revenue Agents.

494..Consular Officers will confer freely with the Treasury Revenue Agents who may be appointed to visit and examine the Consulates. They will remember, however, that these agents have no authority to instruct them as to their official acts. Consular Officers will also render to such Revenue Agents every assistance in their power in the performance of their duties, giving them free access to the records and papers of their Consulates relating to trade with the United States; communicating to them promptly any information acquired by the former, showing or indicating actual or contemplated frauds in the exportation of merchandise to the United States, or which may be in any wise useful to such

agents in the prosecution of their inquiries or the performance of their duties; and generally co-operating with them therein, and particularly giving special attention to any invoices or merchandise in which, or in relation to which, such agents may advise them that there is reason to apprehend that fraud or irregularity has been or is likely to be committed. Where samples are susceptible of being divided, such agents will be entitled to one-half of any such sample on application therefor; and in all cases they will be entitled to make such use of samples as may be necessary to enable them to prosecute any inquiry, or procure any required proof, in the performance of their duties.

3. Debenture or Landing Certificates.

495. An important duty of Consular Officers is the giving debenture or landing certificates for goods brought to their ports from this country, on which a claim will be made for the drawback of duties, or the refunding of internal revenue taxes.

To prevent frauds, they are cautioned not to certify without personal inspection, or undoubted proof of their truth.

The Forms of the certificates are given in Forms Nos. 139 to 146.

ARTICLE XXVIII.

When Consuls may ask Instructions from the Department.

496. When Consular Officers, after careful examination of these regulations, and of any other instructions, special or otherwise, which they may have received from the Department, shall find themselves without instructions in any given case in which they may be called upon to act, they will write to the Department and ask instructions. In all other cases they are expected to act upon the instructions herein contained, and such other special instructions as they may from time to time receive.

APPENDIX No. I.

EXTRACTS FROM TREATIES AND CONVENTIONS REFERRED TO IN THE TEXT.

ARGENTINE REPUBLIC.

Treaty concluded July 27, 1853, (Friendship, Commerce, and Navigation.)

497..ARTICLE IX.

* * * * *

If any citizen of either the two contracting parties shall die without will or testament, in any of the territories of the other, the Consul General or Consul of the nation to which the deceased belonged, or the representative of such Consul General or Consul, in his absence, shall have the right to intervene in the possession, administration, and judicial liquidation of the estate of the deceased, conformably with the laws of the country, for the benefit of the creditors and legal heirs.

498..ARTICLE XI.

It shall be free for each of the two contracting parties to appoint Consuls, for the protection of trade, to reside in any of the territories of the other party; but, before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the government to which he is sent; and either of the contracting parties may except from the residence of Consuls such particular places as they judge fit to be excepted.

The archives and papers of the Consulates of the respective governments shall be respected inviolably, and under no pretext whatever shall any magistrate, or any of the local authorities, seize, or in any way interfere with them.

The Diplomatic Agents and Consuls of the Argentine Confederation shall enjoy, in the territories of the United States, whatever privileges, exemptions, and immunities are, or shall be, granted to Agents of the same rank, belonging to the most favored nation; and, in like manner, the Diplomatic Agents and Consuls of the United States, in the territories of the Argentine Confederation, shall enjoy, according to the strictest reciprocity, whatever privileges, exemptions, and immunities are, or may be, granted in the Argentine Confederation to the Diplomatic Agents and Consuls of the most favored nation.

BELGIUM.

Treaty concluded December 5, 1868, (*Rights, Privileges, and Immunities of Consuls.*)

499. ARTICLE I.

Each of the high contracting parties agrees to receive from the other, Consuls General, Consuls, Vice-Consuls, and Consular Agents, in all its ports, cities, and places, except those where it may not be convenient to recognize such officers. This reservation, however, shall not apply to one of the high contracting parties without also applying to every other power.

500. ARTICLE II.

Consular Officers, on the presentation of their commissions in the forms established in their respective countries, shall be furnished with the necessary exequatur free of charge, and on the exhibition of this instrument, they shall be permitted to enjoy the rights, prerogatives, and immunities granted by this Convention.

501. ARTICLE III.

Consular Officers, citizens of the State by which they are appointed, shall be exempt from arrest except in the case of offenses which the local legislation qualifies as crimes, and punishes *it* as such; from military billetings, from service in the militia, or in the national guard, or in the regular army, and from all taxation, federal, State, or municipal. If, however, they are citizens of the State where they reside, or own property, or engage in business there, they shall be liable to the same charges of all kinds as other citizens of the country, who are merchants or owners of property.

502. ARTICLE IV.

No Consular Officer who is a citizen of the State by which he was appointed, and who is not engaged in business, shall be compelled to appear as a witness before the courts of the country where he may reside. When the testimony of such a Consular Officer is needed, he shall be invited in writing to appear in court, and if unable to do so, his testimony shall be requested in writing, or be taken orally, at his dwelling or office.

It shall be the duty of said Consular Officer to comply with this request, without any delay which can be avoided.

In all criminal cases, contemplated by the sixth article of the amendments to the Constitution of the United States, whereby the right is secured to persons charged with crimes to obtain witnesses in their favor, the appearance in court of said Consular Officer shall

be demanded, with all possible regard to the Consular dignity and to the duties of his office. A similar treatment shall also be extended to United States Consuls in Belgium, in the like cases.

503..ARTICLE V.

Consuls General, Consuls, Vice-Consuls, and Consular Agents may place over the outer door of their offices, or their dwelling-houses, the arms of their nation, with this inscription, "Consulate, or Vice-Consulate, or Consular Agency" of the United States, or of Belgium, &c., &c. And they may also raise the flag of their country on their offices or dwelling-houses, except in the capital of the country, when there is a Legation there.

504..ARTICLE VI.

The Consular offices and dwellings shall be at all times inviolable. The local authorities shall not, under any pretext, invade them. In no case shall they examine or seize the papers there deposited. In no case shall those offices or dwellings be used as places of asylum. When, however, a Consular Officer is engaged in other business, the papers relating to the Consulate shall be kept separate.

505..ARTICLE VII.

In the event of the death, incapacity, or absence of Consuls General, Consuls, Vice-Consuls, and Consular Agents, their Chancellors or Secretaries, whose official character may have previously been made known to the Department of State at Washington, or to the Minister for Foreign Affairs in Belgium, may temporarily exercise their functions, and while thus acting they shall enjoy all the rights, prerogatives, and immunities granted to the incumbents.

506..ARTICLE VIII.

Consuls General and Consuls may, with the approbation of their respective governments, appoint Vice-Consuls and Consular Agents in the cities, ports, and places within their Consular jurisdiction. These officers may be citizens of the United States, of Belgium, or other foreigners. They shall be furnished with a commission by the Consul who appoints them and under whose orders they are to act. They shall enjoy the privileges stipulated for Consular Officers in this Convention, subject to the exceptions specified in Articles III and IV.

507..ARTICLE IX.

Consuls General, Consuls, Vice-Consuls, and Consular Agents may complain to the authorities of the respective countries, whether federal or local, judicial or local, judicial or executive, within their Consular district, of any infraction of the treaties and con

ventions between the United States and Belgium, or for the purpose of protecting the rights and interests of their countrymen. If the complaint should not be satisfactorily redressed, the Consular Officers aforesaid, in the absence of a Diplomatic Agent of their country, may apply directly to the government of the country where they reside.

508..ARTICLE X.

Consuls General, Consuls, Vice-Consuls, and Consular Agents may take at their offices, at the residence of the parties, at their private residence, or on board ship, the depositions of the captains and crews of vessels of their own country, of passengers on board of them, and of any other citizen of their nation. They may also receive at their offices, conformably to the laws and regulations of their country, all contracts between the citizens of their country and the citizens or other inhabitants of the country where they reside, and even all contracts between the latter, provided they relate to property situated or to business to be transacted in the territory of the nation to which said Consular Officer may belong. Copies of such papers and official documents of every kind, whether in the original, copies, or translation, duly authenticated and legalized by the Consuls General, Consuls, Vice-Consuls, and Consular Agents, and sealed with their official seal, shall be received as legal documents in courts of justice throughout the United States and Belgium.

509..ARTICLE XI.

Consuls General, Consuls, Vice-Consuls, and Consular Agents shall have exclusive charge of the internal order of the merchant vessels of their nation, and shall alone take cognizance of differences which may arise, either at sea or in port, between the captains, officers, and crews, without exception, particularly in reference to the adjustment of wages and the execution of contracts. Neither the federal, State, or municipal authorities or courts in the United States, nor any court or authority in Belgium shall, on any pretext, interfere in these differences.

510..ARTICLE XII.

The respective Consuls General, Consuls, Vice-Consuls, and Consular Agents may arrest the officers, sailors, and all other persons making part of the crew of ships of war or merchant vessels of their nation who may be guilty, or be accused, of having deserted said ships and vessels, for the purpose of sending them on board or back to their country. To that end, the Consuls of the United States in Belgium may apply to any of the competent authorities; and the Consuls of Belgium in the United States may apply in writing to either the federal, State, or municipal courts or authorities, and make a request in

writing for the deserters, supporting it by the exhibition of the register of the vessel and list of the crew, or by other official documents, to show that the persons claimed belong to the said crew.

Upon such request alone, thus supported, and without the exaction of any oath from the Consular Officers, the deserters, not being citizens of the country where the demand is made at the time of their shipping, shall be given up. All the necessary aid and protection shall be furnished for the search, pursuit, seizure, and arrest of the deserters, who shall even be put and kept in the prisons of the country, at the request and expense of the Consular Officers, until there may be an opportunity for sending them away. If, however, such an opportunity should not present itself within the space of three months, counting from the day of the arrest, the deserter shall be set at liberty, nor shall he be again arrested for the same cause.

511.. ARTICLE XIII.

In the absence of an agreement to the contrary between the owners, freighters, and insurers, all damages suffered at sea by the vessels of the two countries, whether they enter the port voluntarily or are forced by stress of weather, shall be settled by the Consuls General, Consuls, Vice-Consuls, and Consular Agents of the respective countries where they reside. If, however, any inhabitant of the country, or citizen or subject of a third power, shall be interested in the matter, and the parties cannot agree, the competent local authorities shall decide.

512.. ARTICLE XIV.

All proceedings relative to the salvage of American vessels wrecked upon the coasts of Belgium, and of Belgian vessels wrecked upon the coasts of the United States, shall be directed by Consuls General, Consuls, and Vice-Consuls of the two countries respectively, and, until their arrival, by the respective Consular Agents, wherever an agency exists. In the places and ports where an agency does not exist, the local authorities, until the arrival of the Consul in whose district the wreck may have occurred, and who shall immediately be informed of the occurrence, shall take all necessary measures for the protection of persons and the preservation of property. The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors, if they do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved. It is understood that such merchandise is not to be subjected to any custom-house charges, unless it be intended for consumption in the country where the wreck may have taken place.

513.. ARTICLE XV.

In case of the death of any citizen of the United States in Belgium,

or of a citizen of Belgium in the United States, without having any known heirs or testamentary executor by him appointed, the competent local authorities shall inform the Consuls or Consular Agents of the nation to which the deceased belongs of the circumstance, in order that the necessary information may be immediately forwarded to parties interested.

514.. ARTICLE XVI.

The present Convention shall remain in force for the space of ten years, counting from the day of the exchange of the ratifications, which shall be made in conformity with the respective constitutions of the two countries, and exchanged at Brussels within the period of six months, or sooner, if possible. In case neither party gives notice, twelve months after the expiration of the said period of ten years, of its intention not to renew this Convention, it shall remain in force one year longer, and so on from year to year, until the expiration of a year from the day on which one of the parties shall have given such notice.

BORNEO.

Treaty concluded June 23, 1850.

515.. ARTICLE IX.

His highness the Sultan of Borneo agrees that in all cases where a citizen of the United States shall be accused of any crime committed in any part of his highness's dominions, the person so accused shall be exclusively tried and adjudged by the American Consul, or other officer duly appointed for that purpose: and in all cases where disputes or differences may arise between American citizens, or between American citizens and the subjects of his highness, or between American citizens and the citizens or subjects of any other foreign power in the dominions of the Sultan of Borneo, the American Consul, or other duly appointed officer, shall have power to hear and decide the same, without any interference, molestation, or hinderance on the part of any authority of Borneo, either before, during, or after the litigation.

This treaty shall be ratified, and the ratifications thereof shall be exchanged at Bruni at any time prior to the 4th day of July, in the year 1854.

BOLIVIA.

Treaty concluded at La Paz, May 13, 1858, (Peace, Friendship, Commerce, and Navigation.)

516..ARTICLE XXXI.

To make effectual the protection which the United States and the Republic of Bolivia shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit Consuls and Vice-Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities of the Consuls and Vice-Consuls of the most favored nation, each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls and Vice-Consuls may not seem convenient.

517..ARTICLE XXXII.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, immunities, and prerogatives which belong to them by their public character, they shall, before entering upon their functions, exhibit their commission or patent in due form to the government to which they are accredited, and, having obtained their exequatur, they shall be held and considered as such by all the authorities, magistrates, and inhabitants in the consular district in which they reside.

518..ARTICLE XXXIII.

It is also agreed that the Consuls, and officers and persons attached to the consulate, they not being citizens of the country in which the Consul resides, shall be exempted from all kinds of imposts and contributions, except those which they shall be obliged to pay on account of their commerce or property, to which the citizens or inhabitants, native or foreign, of the country in which they reside are subject, being, in everything besides, subject to the laws of the respective States. The archives and papers of the Consulate shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

519..ARTICLE XXXIV.

The said Consul shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country; and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessel's or ship's roll,

or other public documents, that those men were part of the said crews; and on this demand, so proved, (saving, however, when the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of said Consuls, and may be put in the public prisons, at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation; but if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

520..ARTICLE XXXV.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties agree, as soon hereafter as circumstances will permit them, to form a Consular Convention, which shall declare especially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

BREMEN.

Convention concluded April 30, 1852, (*Privileges of Consuls.*)

521..ARTICLE I.

The Consuls, Vice-Consuls, Commercial and Vice-Commercial Agents of each of the high contracting parties shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the masters and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the master should disturb the order or tranquillity of the country; or the said Consuls, Vice-Consuls, Commercial Agents, or Vice-Commercial Agents, should require their assistance in executing or supporting their own decisions. But this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their own country.

CHINA.

Treaty concluded July 3, 1844, (*Peace, Amity, and Commerce.*)

522..ARTICLE III.

The citizens of the United States are permitted to frequent the five ports of Kwangchow, Amoy, Fuchow, Ningpo, and Shanghai and to reside with their families and trade there, and to proceed at

pleasure with their vessels and merchandise to and from any foreign port and either of the said five ports, and from either of the said five ports to any other of them. But said vessels shall not unlawfully enter the other ports of China, nor carry on a clandestine and fraudulent trade along the coasts thereof. And any vessel belonging to a citizen of the United States which violates this provision, shall, with her cargo, be subject to confiscation to the Chinese government.

523..ARTICLE IV.

For the superintendence and regulation of the concerns of the citizens of the United States doing business at the said five ports, the government of the United States may appoint Consuls or other officers at the same, who shall be duly recognized as such by the officers of the Chinese government, and shall hold official intercourse and correspondence with the latter, either personal or in writing, as occasion may require, on terms of equality and reciprocal respect. If disrespectfully treated or aggrieved in any way by the local authorities, said officers on the one hand shall have the right to make representation of the same to the superior officers of the Chinese government, who will see that full inquiry and strict justice be had in the premises; and, on the other hand, the said Consuls will carefully avoid all acts of unnecessary offense to, or collision with, the officers and people of China.

524..ARTICLE V.

At each of the said five ports, citizens of the United States lawfully engaged in commerce shall be permitted to import from their own or any other ports into China, and sell there, and purchase therein, and export to their own or any other ports, all manner of merchandise of which the importation or exportation is not prohibited by this treaty, paying the duties which are prescribed by the tariff hereinbefore established, and no other charges whatsoever.

525..ARTICLE VI.

Whenever any merchant vessel belonging to the United States shall enter either of the said five ports for trade, her papers shall be lodged with the Consul or person charged with affairs, who will report the same to the Commissioner of Customs; and tonnage duty shall be paid on said vessel, at the rate of five mace per ton, if she be over one hundred and fifty tons burden; and one mace per ton, if she be of the burden of one hundred and fifty tons or under, according to the amount of her tonnage, as specified in the register; said payment to be in full of the former charges of measurement and other fees, which are wholly abolished. And if any vessel, which having anchored at one of the said ports, and there paid tonnage duty, shall have occasion to go to any others of the said ports

to complete the disposal of her cargo, the Consul, or person charged with affairs, will report the same to the Commissioner of Customs, who, on the departure of said vessel, will note in the port clearance that the tonnage duties have been paid, and report the same to the other custom-houses; in which case, on entering another port, the said vessel will only pay duty there on her cargo, but shall not be subject to the payment of tonnage duty a second time.

526.. ARTICLE VIII.

Citizens of the United States, for their vessels bound in, shall be allowed to engage pilots, who will report said vessels at the passes, and take them into port; and, when the lawful duties have all been paid, they may engage pilots to leave port. It shall also be lawful for them to hire, at pleasure, servants, compradors, linguists, and writers, and passage or cargo boats, and to employ laborers, seamen, and persons for whatever necessary service, for a reasonable compensation, to be agreed on by the parties, or settled by application to the Consular Officer of their government, without interference on the part of the local officers of the Chinese government.

527.. ARTICLE X.

Whenever a merchant vessel belonging to the United States shall cast anchor in either of the said ports, the supercargo, master, or consignee will, within forty-eight hours, deposit the ship's papers in the hands of the Consul, or person charged with the affairs of the United States, who will cause to be communicated to the Superintendent of Customs a true report of the name and tonnage of such vessel, the names of her men, and of the cargo on board; which being done, the Superintendent will give a permit for the discharge of her cargo.

And the master, supercargo, or consignee, if he proceed to discharge the cargo without such permit, shall incur a fine of five hundred dollars; and the goods so discharged without permit shall be subject to forfeiture to the Chinese government. But if the master of any vessel in port desires to discharge a part only of the cargo, it shall be lawful for him to do so, paying duties on such part only, and to proceed with the remainder to any other ports.

Or, if the master so desire, he may, within forty-eight hours after the arrival of the vessel, but not later, decide to depart without breaking bulk; in which case he will not be subject to pay tonnage or other duties or charges until, on his arrival at another port, he shall proceed to discharge cargo, when he will pay the duties on vessel and cargo, according to law. And the tonnage duties shall be held to be due after the expiration of said forty-eight hours.

528..ARTICLE XI.

The Superintendent of Customs, in order to the collection of the proper duties, will, on application made to him through the Consul, appoint suitable officers, who shall proceed, in the presence of the captain, supercargo, or consignee, to make a just and fair examination of all goods in the act of being discharged for importation, or laden for exportation on board any merchant vessel of the United States. And if dispute occur in regard to the value of goods subject to an *ad valorem* duty, or in regard to the amount of tare, and the same cannot be satisfactorily arranged by the parties, the question may, within twenty-four hours, and not afterwards, be referred to the said Consul to adjust with the Superintendent of Customs.

529..ARTICLE XII.

Sets of standard balances, and also weights and measures, duly prepared, stamped, and sealed, according to the standard of the custom-house at Canton, shall be delivered by the Superintendents of Customs to the Consuls at each of the five ports, to secure uniformity, and prevent confusion in measures and weights of merchandise.

530..ARTICLE XIII.

The tonnage duty on vessels belonging to citizens of the United States shall be paid on their being admitted to entry. Duties of import shall be paid on the discharge of the goods, and duties of export on the lading of the same. When all such duties shall have been paid, and not before, the Superintendent of Customs shall give a port clearance, and the Consul shall return the ship's papers, so that she may depart on her voyage. The duties shall be paid to the shroffs authorized by the Chinese government to receive the same in its behalf. Duties payable by merchants of the United States shall be received either in sycee silver or in foreign money, at the rate of exchange as ascertained by the regulations now in force. And imported goods, on their resale or transit in any part of the empire, shall be subject to the imposition of no other duty than they are accustomed to pay at the date of this treaty.

531..ARTICLE XIV.

No goods on board any merchant vessel of the United States in port are to be transhipped to another vessel unless there be particular occasion therefor, in which case the occasion shall be certified by the Consul to the Superintendent of Customs, who may appoint officers to examine into the facts, and permit the transhipment. And if any goods be transhipped without such application, inquiry, and permit, they shall be subject to be forfeited to the Chinese government.

532..ARTICLE XVI.

The Chinese government will not hold itself responsible for any debts which may happen to be due from subjects of China to citizens of the United States, or for frauds committed by them; but citizens of the United States may seek redress in law; and on suitable representation being made to the Chinese local authorities, through the Consul, they will cause due examination in the premises, and take all proper steps to compel satisfaction. But in case the debtor be dead, or without property, or have absconded, the creditor cannot be indemnified, according to the old system of the cohong, so called. And if citizens of the United States be indebted to subjects of China, the latter may seek redress in the same way through the Consul, but without any responsibility for the debt on the part of the United States.

533..ARTICLE XVII.

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At the places of anchorage of the vessels of the United States, the citizens of the United States, merchants, seamen, or others sojourning there, may pass and repass in the immediate neighborhood; but they shall not, at their pleasure, make excursions into the country among the villages at large, nor shall they repair to public marts for the purpose of disposing of goods unlawfully and in fraud of the revenue.

And, in order to the preservation of the public peace, the local officers of government at each of the five ports shall, in concert with the Consuls, define the limits beyond which it shall not be lawful for citizens of the United States to go.

534..ARTICLE XIX.

All citizens of the United States in China, peaceably attending to their affairs, being placed on a common footing of amity and good will with subjects of China, shall receive and enjoy, for themselves and everything appertaining to them, the special protection of the local authorities of government, who shall defend them from all insult or injury of any sort on the part of the Chinese. If their dwellings or property be threatened or attacked by mobs, incendiaries, or other violent or lawless persons, the local officers, on requisition of the Consul, will immediately dispatch a military force to disperse the riotors, and will apprehend the guilty individuals, and punish them with the utmost rigor of the law.

535..ARTICLE XX.

Citizens of the United States who may have imported merchandise into any of the free ports of China, and paid the duty thereon,

if they desire to re-export the same, in part or in whole, to any other of the said ports, shall be entitled to make application, through their Consul, to the Superintendent of Customs, who, in order to prevent frauds on the revenue, shall cause examination to be made by suitable officers, to see that the duties paid on such goods as entered on the custom-house books correspond with the representation made, and that the goods remain with their original marks unchanged, and shall then make a memorandum in the port clearance of the goods, and the amount of duties paid on the same, and deliver the same to the merchant; and shall also certify the facts to the officers of customs of the other ports; all which being done, on the arrival in port of the vessel in which the goods are laden, and everything being found on examination there to correspond, she will be permitted to break bulk and land the said goods, without being subject to the payment of any additional duty thereon. But if, on such examination, the Superintendent of Customs shall detect any fraud on the revenue in the case, then the goods shall be subject to forfeiture and confiscation to the Chinese government.

536. ARTICLE XXI.

Subjects of China, who may be guilty of any criminal act toward citizens of the United States, shall be arrested and punished by the Chinese authorities according to the laws of China; and citizens of the United States, who may commit any crime in China, shall be subject to be tried and punished only by the Consul, or other public functionary of the United States thereto authorized, according to the laws of the United States. And in order to the prevention of all controversy and disaffection, justice shall be equitably and impartially administered on both sides.

537. ARTICLE XXIII.

The Consuls of the United States at each of the five ports open to foreign trade shall make, annually, to the respective governors general thereof, a detailed report of the number of vessels belonging to the United States which have entered and left said ports during the year, and of the amount and value of goods imported or exported in said vessels, for transmission to and inspection of the board of revenue.

538. ARTICLE XXIV.

If citizens of the United States have special occasion to address any communication to the Chinese local officers of government, they shall submit the same to their Consul, or other officer, to determine if the language be proper and respectful, and the matter just and right; in which event he shall transmit the same to the appropriate authorities for their consideration and action in the premises

In like manner, if subjects of China have special occasion to address the Consul of the United States, they shall submit the communication to the local authorities of their own government, to determine if the language be respectful and proper, and the matter just and right; in which case the said authorities will transmit the same to the Consul or other officer for his consideration and action in the premises. And if controversies arise between citizens of the United States and subjects of China, which cannot be amicably settled otherwise, the same shall be examined and decided conformably to justice and equity by the public officers of the two nations acting in conjunction.

539..ARTICLE XXV.

All questions in regard to rights, whether of property or person, arising between citizens of the United States in China, shall be subject to the jurisdiction, and regulated by the authorities of their own government; and all controversies occurring in China between citizens of the United States and the subjects of any other government shall be regulated by the treaties existing between the United States and such governments respectively, without interference on the part of China.

540..ARTICLE XXVI.

Merchant vessels of the United States, lying in the waters of the five ports of China open to foreign commerce, will be under the jurisdiction of the officers of their own government, who, with the masters and owners thereof, will manage the same without control on the part of China. For injuries done to the citizens or the commerce of the United States by any foreign power, the Chinese government will not hold itself bound to make reparation. But if the merchant vessels of the United States, while within the waters over which the Chinese government exercises jurisdiction, be plundered by robbers or pirates, then the Chinese local authorities, civil and military, on receiving information thereof, will arrest the said robbers or pirates, and punish them according to law, and will cause all the property which can be recovered to be placed in the hands of the nearest Consul, or other officer of the United States, to be by him restored to the true owner. But if, by reason of the extent of territory and numerous population of China, it should, in any case, happen that the robbers cannot be apprehended, or the property only in part recovered, then the law will take its course in regard to the local authorities, but the Chinese government will not make indemnity for the goods lost.

541..ARTICLE XXIX.

The local authorities of the Chinese government will cause to be apprehended all mutineers or deserters from on board the vessels

of the United States in China, and will deliver them up to the Consuls or other officers for punishment. And if criminals, subjects of China, take refuge in the houses or on board the vessels of citizens of the United States, they shall not be harbored or concealed, but shall be delivered up to justice, on due requisition by the Chinese local officers addressed to those of the United States.

The merchants, seamen, and other citizens of the United States shall be under the superintendence of the appropriate officers of their government. If individuals of either nation commit acts of violence and disorder, use arms to the injury of others, or create disturbances endangering life, the officers of the two governments will exert themselves to enforce order, and to maintain the public peace, by doing impartial justice in the premises.

542..ARTICLE XXX.

The superior authorities of the United States and of China, in corresponding together, shall do so in terms of equality, and in the form of mutual communication, (*chau hwui.*) The consuls, and the local officers, civil and military, in corresponding together, shall likewise employ the style and form of mutual communication, (*chau hwui.*) When inferior officers of the one government address superior officers of the other, they shall do so in the style and form of memorial, (*shin chin.*) Private individuals, in addressing superior officers, shall employ the style of petition, (*pin chìng.*) In no case shall any terms or style be suffered which shall be offensive or disrespectful to either party. And it is agreed that no presents, under any pretext or form whatever, shall ever be demanded of the United States by China, or of China by the United States.

543..ARTICLE XXXIV.

When the present Convention shall have been definitely concluded, it shall be obligatory on both powers, and its provisions shall not be altered without grave cause; but, inasmuch as the circumstances of the several ports of China open to foreign commerce are different, experience may show that inconsiderable modifications are requisite in those parts which relate to commerce and navigation; in which case the two governments will, at the expiration of twelve years from the date of said Convention, treat amicably concerning the same, by the means of suitable persons appointed to conduct such negotiation.

Treaty concluded June 18, 1858.

544..ARTICLE VII.

The superior authorities of the United States and of China in corresponding together shall do so on terms of equality and in form

of mutual communication, (*chau hwui.*) The Consuls and the local officers, civil and military, in corresponding together shall likewise employ the style and form of mutual communication, (*chau hwui.*) When inferior officers of the one government address superior officers of the other they shall do so in the style and form of memorial, (*shin chin.*) Private individuals, in addressing superior officers, shall employ the style of petition, (*pin ching.*) In no case shall any terms or style be used or suffered which shall be offensive or disrespectful to either party. And it is agreed that no presents, under any pretext or form whatever, shall ever be demanded of the United States by China, or of China by the United States.

545..ARTICLE X.

The United States of America shall have the right to appoint Consuls and other Commercial Agents for the protection of trade, to reside at such places in the dominions of China as shall be agreed to be opened; who shall hold official intercourse and correspondence with the local officers of the Chinese government, (a Consul or Vice-Consul in charge taking rank with an intendant of circuit or a prefect,) either personally or in writing, as occasions may require, on terms of equality and reciprocal respect. And the Consuls and local officers shall employ the style of mutual communication. If the officers of either nation are disrespectfully treated or aggrieved in any way by the other authorities, they have the right to make representation of the same to the superior officers of the respective governments, who shall see that full inquiry and strict justice shall be had in the premises. And the said Consuls and Agents shall carefully avoid all acts of offense to the officers and people of China. On the arrival of a Consul duly accredited at any port in China, it shall be the duty of the Minister of the United States to notify the same to the governor general of the province where such port is, who shall forthwith recognize the said Consul and grant him authority to act.

546..ARTICLE XI.

All citizens of the United States of America in China, peaceably attending to their affairs, being placed on a common footing of amity and good will with subjects of China, shall receive and enjoy for themselves and everything appertaining to them the protection of the local authorities of government, who shall defend them from all insult or injury of any sort. If their dwellings or property be threatened or attacked by mobs, incendiaries, or other violent or lawless persons, the local officers, on requisition of the Consul, shall immediately dispatch a military force to disperse the rioters, apprehend the guilty individuals, and punish them with the utmost rigor of the law. Subjects of China guilty of any criminal act toward citizens of the United States shall be punished by the

Chinese authorities according to the laws of China; and citizens of the United States, either on shore or in any merchant vessel, who may insult, trouble, or wound the persons or injure the property of Chinese, or commit any other improper act in China, shall be punished only by the Consul or other public functionary thereto authorized, according to the laws of the United States. Arrests in order to trial may be made by either the Chinese or the United States authorities.

547..ARTICLE XIII.

If any vessel of the United States be wrecked or stranded on the coast of China, and be subjected to plunder or other damage, the proper officers of government, on receiving information of the fact, shall immediately adopt measures for its relief and security; the persons on board shall receive friendly treatment, and be enabled to repair at once to the nearest port, and shall enjoy all facilities for obtaining supplies of provisions and water. If the merchant vessels of the United States, while within the waters over which the Chinese government exercises jurisdiction, be plundered by robbers or pirates, then the Chinese local authorities, civil and military, on receiving information thereof, shall arrest the said robbers or pirates, and punish them according to law, and shall cause all the property which can be recovered to be restored to the owners or placed in the hands of the Consul. If, by reason of the extent of territory and numerous population of China, it shall in any case happen that the robbers cannot be apprehended, and the property only in part recovered, the Chinese government shall not make indemnity for the goods lost; but if it shall be proved that the local authorities have been in collusion with the robbers, the same shall be communicated to the superior authorities for memorializing the Throne, and these officers shall be severely punished, and their property be confiscated to repay the losses.

548..ARTICLE XVI.

Tonnage duties shall be paid on every merchant vessel belonging to the United States entering either of the open ports, at the rate of four mace per ton of forty cubic feet, if she be over one hundred and fifty tons burden, and one mace per ton of forty cubic feet if she be of the burden of one hundred and fifty tons or under, according to the tonnage specified in the register; which, with her other papers, shall, on her arrival, be lodged with the Consul, who shall report the same to the Commissioner of Customs. And if any vessel, having paid tonnage duty at one port, shall go to any other port to complete the disposal of her cargo, or, being in ballast, to purchase an entire or fill up an incomplete cargo, the Consul shall report the same to the Commissioner of Customs, who shall note on the port clearance that the tonnage duties have been paid, and report the circumstances to

the Collectors at the other custom-houses; in which case, the said vessel shall only pay duty on her cargo, and not be charged with tonnage duty a second time. The Collectors of Customs at the open ports shall consult with the Consuls about the erection of beacons or light-houses, and where buoys and light-ships should be placed.

549..ARTICLE XVII.

Citizens of the United States shall be allowed to engage pilots to take their vessels into port, and, when the lawful duties have all been paid, take them out of port. It shall be lawful for them to hire at pleasure servants, compradores, linguists, writers, laborers, seamen, and persons for whatever necessary service, with passage or cargo boats, for a reasonable compensation, to be agreed upon by the parties or determined by the Consul.

550..ARTICLE XVIII.

Whenever merchant vessels of the United States shall enter a port, the Collector of Customs shall, if he see fit, appoint custom-house officers to guard said vessels, who may live on board the ship or their own boats, at their convenience. The local authorities of the Chinese government shall cause to be apprehended all mutineers or deserters from on board the vessels of the United States in China on being informed by the Consul, and will deliver them up to the Consuls or other officer for punishment. And if criminals, subjects of China, take refuge in the houses or on board the vessels of citizens of the United States, they shall not be harbored or concealed, but shall be delivered up to justice on due requisition by the Chinese local officers, addressed to those of the United States. The merchants, seamen, and other citizens of the United States shall be under the superintendence of the appropriate officers of their government. If individuals of either nation commit acts of violence or disorder, use arms to the injury of others, or create disturbances endangering life, the officers of the two governments will exert themselves to enforce order and to maintain the public peace, by doing impartial justice in the premises.

551..ARTICLE XIX.

Whenever a merchant vessel belonging to the United States shall cast anchor in either of the said ports, the supercargo, master, or consignee, shall, within forty-eight hours, deposit the ship's papers in the hands of the Consul or person charged with his functions, who shall cause to be communicated to the Superintendent of Customs a true report of the name and tonnage of such vessel, the number of her crew, and the nature of her cargo, which being done, he shall give a permit for her discharge. And the master, supercargo, or consignee, if he proceed to discharge the cargo without

such permit, shall incur a fine of five hundred dollars, and the goods so discharged without permit shall be subject to forfeiture to the Chinese government. But if a master of any vessel in port desire to discharge a part only of the cargo, it shall be lawful for him to do so, paying duty on such part only, and to proceed with the remainder to any other ports. Or, if the master so desire, he may, within forty-eight hours after the arrival of the vessel, but not later, decide to depart without breaking bulk; in which case he shall not be subject to pay tonnage or other duties or charges until, on his arrival at another port, he shall proceed to discharge cargo, when he shall pay the duties on vessel and cargo, according to law. And the tonnage duties shall be held due after the expiration of the said forty-eight hours. In case of the absence of the Consul or person charged with his functions, the captain or supercargo of the vessel may have recourse to the Consul of a friendly power, or, if he please, directly to the Superintendent of Customs, who shall do all that is required to conduct the ship's business.

552..ARTICLE XX.

The Superintendent of Customs, in order to the collection of the proper duties, shall, on application made to him through the Consul, appoint suitable officers, who shall proceed, in the presence of the captain, supercargo, or consignee, to make a just and fair examination of all goods in the act of being discharged for importation or laden for exportation on board any merchant vessel of the United States. And if disputes occur in regard to the value of goods subject to ad valorem duty, or in regard to the amount of tare, and the same cannot be satisfactorily arranged by the parties, the question may, within twenty-four hours, and not afterward, be referred to the said consul to adjust with the Superintendent of Customs.

553..ARTICLE XXI.

Citizens of the United States who may have imported merchandise into any of the free ports of China, and paid the duty thereon, if they desire to re-export the same in part or in whole to any other of the said ports, shall be entitled to make application, through their Consul, to the Superintendent of Customs, who, in order to prevent fraud on the revenue, shall cause examination to be made, by suitable officers, to see that the duties paid on such goods as are entered on the custom-house books correspond with the representation made, and that the goods remain with their original marks unchanged, and shall then make a memorandum in the port clearance of the goods and the amount of duties paid on the same, and deliver the same to the merchant, and shall also certify the facts to the officers of customs of the other ports; all which being done on the arrival in port of the vessel in which the goods are laden, and everything being found, on examination there, to correspond, she

shall be permitted to break bulk and land the said goods without being subject to the payment of any additional duty thereon. But if, on such examination, the Superintendent of Customs shall detect any fraud on the revenue in the case, then the goods shall be subject to forfeiture and confiscation to the Chinese government. Foreign grain or rice brought into any port of China in a ship of the United States, and not landed, may be re-exported without hinderance.

554..ARTICLE XXII.

The tonnage duty on vessels of the United States shall be paid on their being admitted to entry. Duties of import shall be paid on the discharge of the goods, and duties of export on the lading of the same. When all such duties shall have been paid, and not before, the collector of customs shall give a port clearance, and the Consul shall return the ship's papers. The duties shall be paid to the shroffs authorized by the Chinese government to receive the same. Duties shall be paid and received, either in sycee silver or in foreign money, at the rate of the day. If the Consul permits a ship to leave the port before the duties and tonnage dues are paid he shall be held responsible therefor.

555..ARTICLE XXIII.

When goods on board any merchant vessel of the United States in port require to be transhipped to another vessel, application shall be made to the Consul, who shall certify what is the occasion therefor to the Superintendent of Customs, who may appoint officers to examine into the facts and permit the transhipment. And if any goods be transhipped without written permits they shall be subject to be forfeited to the Chinese government.

556..ARTICLE XXIV.

Where there are debts due by subjects of China to citizens of the United States, the latter may seek redress in law; and, on suitable representations being made to the local authorities, through the Consul, they will cause due examination in the premises, and take proper steps to compel satisfaction. And if citizens of the United States be indebted to subjects of China, the latter may seek redress by representation through the Consul, or by suit in the Consular Court; but neither government will hold itself responsible for such debts.

557..ARTICLE XXVIII.

If citizens of the United States have special occasion to address any communication to the Chinese local officers of government, they shall submit the same to their Consul or other officer, to determine if the language be proper and respectful, and the matter just and

right, in which event he shall transmit the same to the appropriate authorities for their consideration and action in the premises. If subjects of China have occasion to address the Consul of the United States, they may address him directly at the same time they inform their own officers, representing the case for his consideration and action in the premises; and if controversies arise between citizens of the United States and subjects of China, which cannot be amicably settled otherwise, the same shall be examined and decided conformably to justice and equity by the public officers of the two nations, acting in conjunction. The extortion of illegal fees is expressly prohibited. Any peaceable persons are allowed to enter the court in order to interpret, lest injustice be done.

Additional articles to the treaty between United States and China of June 18, 1858.—July 28, 1868.

558..ARTICLE III.

The Emperor of China shall have the right to appoint Consuls at ports of the United States, who shall enjoy the same privileges and immunities as those which are enjoyed by public law and treaty in the United States by the Consuls of Great Britain and Russia, or either of them.

DENMARK.

Treaty concluded April 26, 1826, (Friendship, Commerce, and Navigation.)

559..ARTICLE III.

To make more effectual the protection which the United States and his Danish Majesty shall afford in future, to the navigation and commerce of their respective citizens and subjects, they agree mutually to receive and admit Consuls and Vice-Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, privileges, and immunities of the Consuls and Vice-Consuls of the most favored nation, each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls may not seem convenient.

560..ARTICLE IX.

In order that the Consuls and Vice-Consuls of the contracting parties may enjoy the rights, privileges, and immunities which belong to them, by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent in due form to the government to which they are accredited;

and having obtained their exequatur, which shall be granted gratis, they shall be held and considered as such by all the authorities, magistrates, and inhabitants in the Consular district in which they reside.

561..ARTICLE X.

It is likewise agreed that the Consuls and persons attached to their necessary service, they not being natives of the country in which the Consul resides, shall be exempt from all public service, and also from all kind of taxes, imposts, and contributions, except those which they shall be obliged to pay, on account of commerce, or their property, to which inhabitants, native and foreign, of the country in which such Consuls reside, are subject, being in everything besides subject to the laws of the respective states. The archives and papers of the Consulate shall be respected inviolably, and under no pretext whatever shall any magistrate seize, or in any way interfere with them.

562..ARTICLE XI.

The present Convention shall be in force for ten years from the date hereof, and further until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice.

Additional articles concluded July 11, 1861.

563..ARTICLE I.

The respective Consuls General, Consuls, Vice-Consuls, and Commercial Agents shall have the right as such to sit as judges and arbitrators in such differences as may arise, either at sea or in port, between the captain, officers, and crew of the vessels belonging to the nation whose interests are committed to their charge, particularly in reference to the adjustment of wages and the execution of contracts without the interference of the local authorities, unless the conduct of the crew and the officers, or of the captains, should disturb the order or tranquillity of the country.

It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort on their return to the judicial authority of their country.

564..ARTICLE II.

The Consuls General, Consuls, Vice-Consuls, and Commercial Agents are authorized to require the assistance of the local au-

thorities for the search, arrest, and imprisonment of the deserters from the ships-of-war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges and officers, and shall, in writing, demand said deserters, proving, by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, or, if the vessel shall have departed, by copy of said documents duly certified by them, that such individuals form part of the crew; and, on this reclamation being thus substantiated, the surrender shall not be refused, unless there be sufficient proof of the said persons being citizens or subjects of the country where their surrender is demanded. Such deserters, when arrested, shall be placed at the disposal of said Consuls General, Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessels to which they belonged, or sent back to their own country by a vessel of the same nation, or any other vessel whatsoever. But if not sent back within three months from the day of their arrest they shall be set at liberty, and shall not be again arrested for the same cause.

However, if the deserter should be found to have committed any crime or offense, his surrender may be delayed until the tribunal before which his case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

The present additional articles shall have the same force and value as if they were inserted, word for word, in the Convention signed at Washington, on the twenty-sixth day of April, one thousand eighteen hundred and twenty-six, and being approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by his Majesty the King of Denmark, the ratifications shall be exchanged at Washington within six months from the date hereof, or sooner, if possible.

DOMINICAN REPUBLIC.

Treaty concluded February 8, 1867, (Amity, Commerce, Navigation, and Extradition.)

565. ARTICLE XXVI.

The high contracting parties grant to each other the liberty of having in the ports of the other Consuls or Vice-Consuls of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nation; but if any of the said Consuls or Vice-Consuls shall carry on trade, they shall be subjected to the same

laws and usages to which private individuals of their nation are subjected in the same place.

It is understood that whenever either of the two contracting parties shall select a citizen of the other for a Consular Agent, to reside in any ports or commercial places of the latter, such Consul or Agent shall continue to be regarded, notwithstanding his quality of a foreign Consul, as a citizen of the nation to which he belongs, and consequently shall be subject to the laws and regulations to which natives are subjected in the place of his residence. This obligation, however, shall in no respect embarrass the exercise of his Consular functions or affect the inviolability of the Consular archives.

The said Consuls and Vice-Consuls shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the masters and crews of the vessel belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless their assistance should be required, or the conduct of the crews or of the captain should disturb the order or tranquillity of the country. It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their own country.

The said Consuls and Vice-Consuls are authorized to require the assistance of the local authorities for the arrest and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand such deserters, proving by the exhibition of the registers of the vessels, the muster-rolls of the crews, or by any other official documents, that such individuals formed part of the crews; and on this claim being substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the Consuls or Vice-Consuls, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belong, or to others of the same country. But if not sent back within three months of the day of their arrest, they shall be set at liberty, and shall not again be arrested for the same cause. However, if the deserter shall be found to have committed any crime or offense, his surrender may be delayed until the tribunal before which his case shall be pending shall have pronounced its sentence, and such sentence shall have been carried into effect.

566. ARTICLE XXVII.

The United States of America and the Dominican Republic, on requisitions made in their name through the medium of their respective Diplomatic and Consular Agents, shall deliver up to justice persons who, being charged with the crimes enumerated in the following article, committed within the jurisdiction of the requiring

party, shall seek asylum or shall be found within the territories of the other: *Provided*, That this shall be done only when the fact of the commission of the crime shall be so established as to justify their apprehension and commitment for trial, if the crime had been committed in the country where the persons so accused shall be found; in all of which the tribunals of said country shall proceed and decide according to their own laws.

ECUADOR.

Treaty concluded June 13, 1839, (*Peace, Friendship, Navigation, and Commerce.*)

567..ARTICLE XXIX.

To make more effectual the protection which the United States and the Republic of Ecuador shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit Consuls and Vice-Consuls, in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities of the Consuls and Vice-Consuls of the most favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls and Vice-Consuls may not seem convenient.

568..ARTICLE XXX.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to them by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent in due form to the government to which they are accredited, and, having obtained their exequatur, they shall be held and considered as such, by all the authorities, magistrates, and inhabitants in the Consular district in which they reside.

569..ARTICLE XXXI.

It is likewise agreed that the Consuls, their Secretaries, officers and persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempted from all kinds of taxes, imposts, and contributions, except those which they shall be obliged to pay on account of commerce or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside, are subject; being in everything besides, subject to the laws of the respective States. The archives and papers of the Consulates shall be respected inviolably,

and, under no pretext whatever, shall any magistrate seize, or in any way interfere with them.

570..ARTICLE XXXII.

The said Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country, and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the register of the vessel's or ship's roll, or other public documents, that those men were part of the said crews, and on this demand so proved, (saving, however, where the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of said Consuls, and may be put in the public prisons at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

571..ARTICLE XXXIII.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit them, to form a Consular Convention, which shall declare, especially, the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

572..ARTICLE XXXIV.

It is further agreed that the words, "*most favored nation*," that occur in this treaty, shall not be so construed as to prevent either of the contracting parties from concluding any treaty or convention with any other nation or state it may think proper, as freely and as fully as though said words were not used: *Provided, however*, That notwithstanding any such treaty or convention the citizens of the United States shall be placed in Ecuador, with respect to navigation and commerce, upon an equal footing with the subjects of Spain, and with the citizens of Mexico, and of the other Hispano-American States with which treaties have been, or may be, concluded; and that the citizens of Ecuador shall be entitled to enjoy, in the United States, the same rights and privileges, with respect to navigation and commerce, that the citizens of the United States enjoy, or shall enjoy, in Ecuador.

FRANCE.

Convention concluded February 23, 1853.—(Consular privileges: a.)

573..ARTICLE I.

The Consuls General, Consuls, and Vice-Consuls, or Consular Agents of the United States and France, shall be reciprocally received and recognized, on the presentation of their commissions, in the form established in their respective countries. The necessary exequatur for the exercise of their functions shall be furnished to them without charge; and on the exhibition of this exequatur, they shall be admitted at once and without difficulty, by the territorial authorities, federal or State, judicial or executive, of the ports, cities, and places of their residence and district, to the enjoyment of the prerogatives reciprocally granted. The government that furnishes the exequatur reserves the right to withdraw it on a statement of the reasons for which it has thought proper to do so.

574..ARTICLE II.

The Consuls General, Consuls, Vice-Consuls, or Consular Agents of the United States and France, shall enjoy in the two countries the privileges usually accorded to their offices, such as personal immunity, except in the case of crime, exemption from military billetings, from service in the militia or the national guard, and other duties of the same nature; and from all direct and personal taxation, whether, federal, State, or municipal. If, however, the said Consuls General, Consuls, Vice-Consuls, or Consular Agents, are citizens of the country in which they reside; if they are, or become, owners of property there, or engage in commerce, they shall be subject to the same taxes and imposts, and, with the reservation of the treatment granted to commercial agents, to the same jurisdiction, as other citizens of the country who are owners of property or merchants.

They may place on the outer door of their offices, or of their dwelling-houses, the arms of their nation, with an inscription in these words: "Consul of the United States," or "Consul of France;" and they shall be allowed to hoist the flag of their country thereon.

They shall never be compelled to appear as witnesses before the courts. When any declaration for judicial purposes, or deposition, is to be received from them in the administration of justice, they shall be invited, in writing, to appear in court, and if unable to do so, their testimony shall be requested in writing, or be taken orally at their dwellings.

Consular Pupils shall enjoy the same personal privileges and immunities as Consuls General, Consuls, Vice-Consuls, or Consular Agents.

In case of death, indisposition, or absence of the latter, the Chancellors, Secretaries, and Consular Pupils attached to their of

fices shall be entitled to discharge *ad interim* the duties of their respective posts; and shall enjoy, while thus acting, the prerogatives granted to the incumbents.

575..ARTICLE III.

The Consular offices and dwellings shall be inviolable. The local authorities shall not invade them under any pretext. In no case shall they examine or seize the papers there deposited. In no case shall those offices or dwellings be used as places of asylum.

576..ARTICLE IV.

The Consuls General, Consuls, Vice-Consuls, or Consular Agents, of both countries, shall have the right to complain to the authorities of their respective governments, whether federal or local, judicial or executive, throughout the extent of their Consular district, of any infraction of the treaties or conventions existing between the United States and France, or for the purpose of protecting informally the rights and interests of their countrymen, especially in cases of absence. Should there be no Diplomatic Agent of their nation, they shall be authorized, in case of need, to have recourse to the general or federal government of the country in which they exercise their functions.

577..ARTICLE V.

The respective Consuls General and Consuls shall be free to establish, in such parts of their districts as they may see fit, Vice-Consuls, or Consular Agents, who may be taken indiscriminately from among Americans of the United States, Frenchmen, or citizens of other countries. These Agents, whose nomination, it is understood, shall be submitted to the approval of the respective governments, shall be provided with a certificate given to them by the Consul by whom they are named, and under whose orders they are to act.

578..ARTICLE VI.

The Consuls General, Consuls, Vice-Consuls, or Consular Agents, shall have the right of taking at their offices or bureaus, at the domicile of the parties concerned, or on board ship, the declarations of captain, crews, passengers, merchants or citizens of their country, and of executing there all requisite papers.

The respective Consuls General, Consuls, Vice-Consuls, or Consular Agents, shall have the right also to receive at their offices or bureaus, conformably to the laws and regulations of their country, all acts of agreement executed between the citizens of their own country and the citizens and inhabitants of the country in which they reside, and even all such acts between the latter, provided that these

acts relate to property situated, or to business to be transacted, in the territory of the nation to which the Consul or the Agent before whom they are executed may belong.

Copies of such papers, duly authenticated by the Consuls General, Consuls, Vice-Consuls, or Consular Agents, and sealed with the official seal of their Consulate, or Consular Agency, shall be admitted in courts of justice throughout the United States and France, in like manner as the originals.

579..ARTICLE VII.

In all the States of the Union whose existing laws permit it, so long and to the same extent as the said laws shall remain in force, Frenchmen shall enjoy the right of possessing personal and real property by the same title and in the same manner as the citizens of the United States. They shall be free to dispose of it as they may please, either gratuitously, or for value received, by donation, testament, or otherwise, just as those citizens themselves; and in no case shall they be subjected to taxes on transfer, inheritance, or any others different from those paid by the latter, or to taxes which shall not be equally imposed.

As to the States of the Union by whose existing laws aliens are not permitted to hold real estate, the President engages to recommend to them the passage of such laws as may be necessary for the purpose of conferring this right.

In like manner, but with the reservation of the ulterior right of establishing reciprocity in regard to possession and inheritance, the government of France accords to the citizens of the United States the same rights within its territory, in respect to real and personal property and to inheritance, as are enjoyed there by its own citizens.

580..ARTICLE VIII.

The respective Consuls General, Consuls, Vice-Consuls, or Consular Agents, shall have exclusive charge of the internal order of the merchant vessels of their nation, and shall alone take cognizance of differences which may arise, either at sea or in port, between the captain, officers, and crew, without exception, particularly in reference to the adjustment of wages and the execution of contracts. The local authorities shall not, on any pretext, interfere in these differences, but shall lend forcible aid to the Consuls when they may ask it, to arrest and imprison all persons composing the crew whom they may deem it necessary to confine. Those persons shall be arrested at the sole request of the Consuls, addressed in writing to the local authority, and supported by an official extract from the register of the ship or the list of the crew, and shall be held, during the whole time of their stay in the port, at the disposal of the Consuls. Their release shall be granted at the mere request of the Con-

suls made in writing. The expenses of the arrest and detention of those persons shall be paid by the Consuls.

581..ARTICLE IX.

The respective Consuls General, Consuls, Vice-Consuls, or Consular Agents, may arrest the officers, sailors, and all other persons making part of the crews of ships-of-war or merchant vessels of their nation who may be guilty or be accused of having deserted said ships and vessels, for the purpose of sending them on board, or back to their country. To that end, the Consuls of France in the United States shall apply to the magistrates designated in the act of Congress of May 4, 1826—that is to say, indiscriminately to any of the federal, State, or municipal authorities; and the Consuls of the United States in France shall apply to any of the competent authorities and make a request in writing for the deserters, supporting it by an exhibition of the registers of the vessel and list of the crew, or by other official documents, to show that the men whom they claim belonged to said crew. Upon such request alone, thus supported, and without the exaction of any oath from the Consuls, the deserters, not being citizens of the country where the demand is made, either at the time of their shipping or of their arrival in the port, shall be given up to them. All aid and protection shall be furnished them for the pursuit, seizure, and arrest of the deserters, who shall even be put and kept in the prisons of the country at the request and at the expense of the Consuls until these Agents may find an opportunity of sending them away. If, however, such opportunity should not present itself within the space of three months, counting from the day of the arrest, the deserters shall be set at liberty, and shall not again be arrested for the same cause.

582..ARTICLE X.

The respective Consuls General, Consuls, Vice-Consuls, or Consular Agents shall receive the declarations, protests, and reports of all captains of vessels of their nation in reference to injuries experienced at sea; they shall examine and take note of the stowage; and when there are no stipulations to the contrary between the owners, freighters, or insurers, they shall be charged with the repairs. If any inhabitants of the country in which the Consuls reside, or citizens of a third nation, are interested in the matter, and the parties cannot agree, the competent local authority shall decide.

583..ARTICTE XI.

All proceedings relative to the salvage of American vessels wrecked upon the coasts of France, and of French vessels wrecked upon the coasts of the United States, shall be respectively directed by the Consuls General, Consuls, and Vice-Consuls of the United

States in France, and by the Consuls General, Consuls, and Vice-Consuls of France in the United States, and until their arrival by the respective Consular Agents wherever an agency exists. In the places and ports where an agency does not exist, the local authorities, until the arrival of the Consul in whose district the wreck may have occurred, and who shall be immediately informed of the occurrence, shall take all necessary measures for the protection of persons and the preservation of property.

The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors, if they do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved.

It is understood that such merchandise shall not be subjected to any custom-house duty if it is to be re-exported; and if it be entered for consumption, a diminution of such duty shall be allowed in conformity with the regulations of the respective countries.

584..ARTICLE XII.

The respective Consuls General, Consuls, Vice-Consuls, or Consular Agents, as well as their Consular Pupils, Chancellors, and Secretaries, shall enjoy in the two countries all the other privileges, exemptions, and immunities which may at any future time be granted to the agents of the same rank of the most favored nation.

GREECE.

Treaty concluded December 22, 1837.

585..ARTICLE XII.

Each of the high contracting parties grants to the other the privilege of appointing in its commercial ports and places Consuls, Vice-Consuls, and Commercial Agents, who shall enjoy the full protection and receive every assistance necessary for the due exercise of their functions; but it is expressly declared that in case of illegal or improper conduct with respect to the laws or government of the country in which said Consuls, Vice-Consuls, or Commercial Agents shall reside, they may be prosecuted and punished conformably to the laws, and deprived of the exercise of their functions by the offended government, which shall acquaint the other with its motives for having thus acted; it being understood, however, that the archives and documents relative to the affairs of the Consulate shall be exempt from all search, and shall be carefully preserved under the seals of the Consuls, Vice-Consuls, or Commercial Agents, and of the authority of the place where they may reside.

The Consuls, Vice-Consuls, or Commercial Agents, or the persons duly authorized to supply their places, shall have the right as such to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the captain should disturb the order or tranquillity of the country, or the said Consuls, Vice-Consuls, or Commercial Agents should require their assistance to cause their decisions to be carried into effect or supported. It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their country.

586..ARTICLE XIII.

The said Consuls, Vice-Consuls, or Commercial Agents are authorized to require the assistance of the local authorities for the arrest, detention, and imprisonment of the deserters from the ships of war and merchant vessels of their country, and for this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews, and on this reclamation being thus substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons at the request and cost of those who claim them, in order to be sent to the vessels to which they belonged, or to others of the same country. But if not sent back within the space of two months, reckoning from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.

It is understood, however, that if the deserter should be found to have committed any crime or offense, his surrender may be delayed until the tribunal before which the case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

GUATEMALA.

Treaty concluded July 28, 1852.

587..ARTICLE XXVIII.

To make more effectual the protection which the United States of America and the Republic of Guatemala shall afford in future to the navigation and commerce of the citizens of each other, they

agree to receive and admit Consuls and Vice-Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities of the Consuls and Vice-Consuls of the most favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls and Vice-Consuls may not seem convenient.

588..ARTICLE XXIX.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to them by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent in due form to the government to which they are accredited, and, having obtained their exequatur, they shall be held and considered as such by all the authorities, magistrates, and inhabitants in the Consular district in which they reside.

589..ARTICLE XXX.

It is likewise agreed that the Consuls, their Secretaries, officers, and persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempt from all public service, and also from all kind of taxes, imposts, and contributions, except those which they shall be obliged to pay on account of commerce or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside are subject, being in everything besides subject to the laws of the respective States. The archives and papers of the Consulate shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

590..ARTICLE XXXI.

The said Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country, and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessel's or ship's roll, or other public documents, that those men were part of the said crews, and on this demand, so proved, (saving, however, where the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of the said Consuls, and may be put in the public prisons, at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation. But if they be not sent back within two months, to be counted from the day of

their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

591..ARTICLE XXXII.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit, to form a Consular Convention, which shall declare specially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

HANOVER.

Concluded June 10, 1846, (*Commerce and Navigation.*)

592..ARTICLE IX.

The high contracting parties grant to each other the liberty of having, each in the ports of the other, Consuls, Vice-Consuls, Commercial Agents, and Vice-Commercial Agents of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nations; but if any of the said Consuls shall carry on trade, they shall be subjected to the same laws and usages to which private individuals of their nation are subjected in the same place.

The Consuls, Vice-Consuls, Commercial and Vice-Commercial Agents shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the masters and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the captain should disturb the order or tranquillity of the country; or the said Consuls, Vice-Consuls, Commercial Agents, or Vice-Commercial Agents should require their assistance to cause their decisions to be carried into effect or supported.

It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their own country.

The said Consuls, Vice-Consuls, Commercial Agents, and Vice-Commercial Agents are authorized to require the assistance of the local authorities for the search, arrest, and imprisonment of the deserters from the ships of war and merchant vessels of their country.

For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand said deserters, proving, by the exhibition of the registers of the vessels, the muster-rolls of the crews, or by any other official documents, that such in-

dividuals formed part of the crews; and on this claim being thus substantiated, the surrender shall not be refused.

Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, Commercial Agents, or Vice-Commercial Agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belong, or to others of the same country. But if not sent back within three months from the day of their arrest they shall be set at liberty, and shall not be again arrested for the same cause. However, if the deserter shall be found to have committed any crime or offense, his surrender may be delayed until the tribunal before which his case shall be pending shall have pronounced its sentence, and such sentence shall have been carried into effect.

HAWAII.

Treaty concluded December 20, 1849, (Friendship, Commerce, and Navigation.)

593. ARTICLE X.

Each of the two contracting parties may have, in the ports of the other, Consuls, Vice-Consuls, and Commercial Agents of their own appointment, who shall enjoy the same privileges and powers with those of the most favored nations; but if any such Consuls shall exercise commerce, they shall be subject to the same laws and usage to which the private individuals of their nation are subject in the same place. The said Consuls, Vice-Consuls, and Commercial Agents are authorized to require the assistance of the local authorities for the search, arrest, detention, and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand the said deserters, proving, by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews; and this reclamation being thus substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessel to which they belonged, or sent back to their own country by a vessel of the same nation, or any other vessel whatsoever. The agents, owners, or masters of vessels on account of whom the deserters have been apprehended, upon requisition of the local authorities, shall be require to take or send away such deserters from the States and dominion

of the contracting parties, or give such security for their good conduct as the law may require. But if not sent back nor reclaimed within six months from the day of their arrest, or if all the expenses of such imprisonment are not defrayed by the party causing such arrest and imprisonment, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the deserters should be found to have committed any crime or offense, their surrender may be delayed until the tribunal before which their case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

594..ARTICLE XII.

If any ships of war or other vessels be wrecked on the coasts of the States or territories of either of the contracting parties, such ships or vessels, or any parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandise which shall be saved therefrom, or the produce thereof, if sold, shall be faithfully restored, with the least possible delay, to the proprietors, upon being claimed by them or by their duly authorized factors; and if there are no such proprietors or factors on the spot, then the said goods and merchandise, or the proceeds thereof, as well as all the papers found on board such wrecked ships or vessels, shall be delivered to the American or Hawaiian Consul or Vice-Consul in whose district the wreck may have taken place; and such Consul, Vice-Consul, proprietors, or factors, shall pay only the expenses incurred in the preservation of the property, together with the rate of salvage and expenses of quarantine which would have been payable in the like case of a wreck of a national vessel; and the goods and merchandise saved from the wreck shall not be subject to duties unless entered for consumption, it being understood that in case of any legal claim upon such wreck, goods, or merchandise, the same shall be referred for decision to the competent tribunals of the country.

HAYTI.

Treaty concluded November 3, 1864, (*Amity, Commerce, Navigation, and Extradition.*)

595..ARTICLE XXXIII.

To protect more effectually the commerce and navigation of their respective citizens, the United States of America and the Republic of Hayti agree to admit and receive, mutually, Consuls and Vice-Consuls in all their ports open to foreign commerce, who shall enjoy, within their respective consular districts, all the rights, prerogatives,

and immunities of the Consuls and Vice-Consuls of the most favored nation.

596..ARTICLE XXXIV.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to them by their public character, they shall, before exercising their official functions, exhibit to the government to which they are accredited their commissions or patents in due form; and, having obtained their exequatur, they shall be acknowledged, in their official character, by the authorities, magistrates, and inhabitants in the consular district in which they reside.

597..ARTICLE XXXV.

It is also agreed that the Consuls, their Secretaries, Officers, and persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempt from all kinds of imposts, taxes, and contributions, except those which they shall be obliged to pay on account of their commerce or property, to which the citizens or inhabitants, native or foreign, of the country in which they reside are subject; being, in everything besides, subject to the laws of the respective States. The archives and papers of the consulates shall be respected inviolably, and under no pretext whatever shall any person, magistrate, or other public authority, seize or in any way interfere with them.

598..ARTICLE XXXVI.

The said Consuls and Vice-Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand such deserters, proving, by the exhibition of the registers of the vessels, the muster-rolls of the crews, or by any other official documents, that such individuals formed a part of the crews; and on this claim being substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the Consuls and Vice-Consuls, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belong, or to others of the same country. But if not sent back within three months, to be counted from the day of their arrest, they shall be set at liberty, and shall not again be arrested for the same cause.

599..ARTICLE XXXVII.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon

hereafter as circumstances will permit, to form a Consular Convention, which shall declare specially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

ITALY.

Convention concluded February 8, 1868, (*Consular privileges.*)

600.. ARTICLE I.

Each of the high contracting parties agrees to receive from the other Consuls General, Consuls, Vice-Consuls, and Consular Agents, in all its ports, cities, and places, except those where it may not be convenient to recognize such officers. This reservation, however, shall not apply to one of the high contracting parties without also applying to every other power.

601.. ARTICLE II.

Consular officers, on the presentation of their commissions in the forms established in their respective countries, shall be furnished with the necessary exequatur free of charge, and on the exhibition of this instrument they shall be permitted to enjoy the rights, prerogatives, and immunities granted by this convention.

602.. ARTICLE III.

Consular Officers, citizens, or subjects of the state by which they are appointed, shall be exempt from arrest, except in the case of offenses which the local legislation qualifies as crimes, and punishes as such; from military billetings, from service in the militia or in the national guard, or in the regular army, and from all taxation, federal, State, or municipal. If, however, they are citizens or subjects of the State where they reside, or own property, or engage in business there, they shall be liable to the same charges of all kinds as other citizens or subjects of the country who are merchants or owners of property.

603.. ARTICLE IV.

No Consular Officer who is a citizen or subject of the state by which he was appointed, and who is not engaged in business, shall be compelled to appear as a witness before the courts of the country where he may reside. When the testimony of such a Consular Officer is needed he shall be invited in writing to appear in court, and, if unable to do so, his testimony shall be requested in writing, or be taken orally, at his dwelling or office.

It shall be the duty of said Consular Officer to comply with this request without any delay which can be avoided.

In all criminal cases, contemplated by the sixth article of the amendments to the Constitution of the United States, whereby the right is secured to persons charged with crimes to obtain witnesses in their favor, the appearance in court of said Consular Officer shall be demanded, with all possible regard to the Consular dignity and to the duties of his office. A similar treatment shall also be extended to United States Consuls in Italy in the like cases.

604..ARTICLE V.

Consuls General, Consuls, Vice-Consuls, and Consular Agents may place over the outer door of their offices, or of their dwelling-houses, the arms of their nation, with this inscription: "Consulate," or "Vice-Consulate," "or Consular Agency" of the United States, or of Italy, &c., &c. And they may also raise the flag of their country on their offices or dwellings, except in the capital of the country, when there is a Legation there.

605..ARTICLE VI.

The Consular Offices and dwellings shall be at all times inviolable. The local authorities shall not, under any pretext, invade them. In no case shall they examine or seize the papers there deposited. In no case shall those offices or dwellings be used as places of asylum. When, however, a Consular Officer is engaged in other business the papers relating to the Consulate shall be kept separate.

606..ARTICLE VII.

In the event of the death, incapacity, or absence of Consuls General, Consuls, Vice-Consuls, and Consular Agents, their Chancellors or Secretaries, whose official character may have previously been made known to the Department of State at Washington, or to the minister for foreign affairs in Italy, may temporarily exercise their functions, and while thus acting they shall enjoy all the rights, prerogatives and immunities granted to the incumbents.

607..ARTICLE VIII.

Consuls General and Consuls may, with the approbation of their respective governments, appoint Vice-Consuls and Consular Agents in the cities, ports, and places within their Consular jurisdiction. These officers may be citizens of the United States, Italian subjects, or other foreigners. They shall be furnished with a commission by the Consul who appoints them and under whose orders they are to act. They shall enjoy the privileges stipulated for Consular Officers in this Convention, subject to the exceptions specified in Articles III and IV.

608..ARTICLE IX.

Consuls General, Consuls, Vice-Consuls, and Consular Agents may

complain to the authorities of the respective countries, whether federal or local, judicial or local, judicial or executive, within their Consular district, of any infraction of the treaties and conventions between the United States and Italy, or for the purpose of protecting the rights and interests of their countrymen. If the complaint should not be satisfactorily redressed, the Consular Officers aforesaid, in the absence of a Diplomatic Agent of their country, may apply directly to the government of the country where they reside.

609. ARTICLE X.

Consuls General, Consuls, Vice-Consuls, and Consular Agents may take at their offices, at the residence of the parties, at their private residence, or on board ship, the depositions of the captains and crews of vessels of their own country, of passengers on board of them, and of any other citizen or subject of their nation. They may also receive at their offices, conformably to the laws and regulations of their country, all contracts between the citizens and subjects of their country, and the citizens, subjects, or other inhabitants of the country where they reside, and even all contracts between the latter, provided they relate to property situated or to business to be transacted in the territory of the nation to which said Consular Officer may belong. Copies of such papers, and official documents of every kind, whether in the original, copy, or translation, duly authenticated and legalized by the Consuls General, Consuls, Vice-Consuls, and Consular Agents, and sealed with their official seal, shall be received as legal documents in courts of justice throughout the United States and Italy.

610. ARTICLE XI.

Consuls General, Consuls, Vice-Consuls, and Consular Agents shall have exclusive charge of the internal order of the merchant vessels of their nation, and shall alone take cognizance of differences which may arise, either at sea or in port, between the captains, officers, and crews, without exception, particularly in reference to the adjustment of wages and the execution of contracts. Neither the federal, State, or municipal authorities or courts in the United States, nor any court or authority in Italy, shall on any pretext interfere in these differences, but shall render forcible aid to Consular Officers, when they may ask it, to search, arrest, and imprison all persons composing the crew whom they may deem it necessary to confine. Those persons shall be arrested at the sole request of the Consuls, addressed in writing to either the federal, State, or municipal courts or authorities in the United States, or to any court or authority in Italy, and supported by an official extract from the register of the ship, or the list of the crew, and shall be held during the whole time of their stay in the port at the disposal of the Consular Officers.

Their release shall be granted at the mere request of such officers made in writing. The expenses of the arrest and detention of those persons shall be paid by the Consular Officers.

611..ARTICLE XII.

In conformity with the act of Congress, (5th March, 1855, "to regulate the carriage of passengers on steamships and other vessels,") all disputes and differences of any nature between the captains and their officers on the one hand, and the passengers of their ships on the other, shall be brought to and decided by the circuit or district courts in the United States, to the exclusion of all other courts or authorities.

612..ARTICLE XIII.

The respective Consuls General, Consuls, Vice-Consuls, and Consular Agents may arrest the officers, sailors, and all other persons making part of the crew of ships of war or merchant vessels of their nation who may be guilty, or be accused of having deserted said ships and vessels, for the purpose of sending them on board or back to their country. To that end the Consuls of Italy in the United States may apply in writing to either the federal, State or municipal courts or authorities; and the Consuls of the United States in Italy may apply to any of the competent authorities and make a request in writing for the deserters, supporting it by the exhibition of the register of the vessel and list of the crew, or by other official documents, to show that the persons claimed belonged to the said crew.

Upon such request alone, thus supported, and without the exaction of any oath from the Consular Officers, the deserters, not being citizens or subjects of the country where the demand is made at the time of their shipping, shall be given up. All the necessary aid and protection shall be furnished for the search, pursuit, seizure, and arrest of the deserters, who shall even be put and kept in the prisons of the country, at the request and expense of the Consular Officers, until there may be an opportunity for sending them away. If, however, such an opportunity should not present itself within the space of three months, counting from the day of the arrest, the deserter shall be set at liberty, nor shall he be again arrested for the same cause.

613..ARTICLE XIV.

In the absence of an agreement to the contrary between the owners, freighters, and insurers, all damages suffered at sea by the vessels of the two countries, whether they enter port voluntarily or are forced by stress of weather, shall be settled by the Consuls General, Consuls, Vice-Consuls, and Consular Agents of the respective countries where they reside. If, however, any inhabitant of the country, or citizen or subject of a third power, shall be interested

in the matter, and the parties cannot agree, the competent local authorities shall decide.

614..ARTICLE XV.

All proceedings relative to the salvage of American vessels wrecked upon the coasts of Italy, and of Italian vessels wrecked upon the coasts of the United States, shall be directed by the Consuls General, Consuls, and Vice-Consuls of the two countries, respectively, and, until their arrival, by the respective Consular Agents, whenever an agency exists. In the places and ports where an agency does not exist, the local authorities, until the arrival of the Consul in whose district the wreck may have occurred, and who shall immediately be informed of the occurrence, shall take all necessary measures for the protection of persons and the preservation of property. The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors, if they do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved. It is understood that such merchandise is not to be subjected to any custom-house charges, unless it be intended for consumption in the country where the wreck may have taken place.

615..ARTICLE XVI.

In case of the death of a citizen of the United States in Italy, or of an Italian subject in the United States, without having any known heirs or testamentary executor by him appointed, the competent local authorities shall inform the Consuls or Consular Agents of the nation to which the deceased belongs of the circumstance, in order that the necessary information may be immediately forwarded to parties interested.

JAPAN.

Treaty concluded March 31, 1854, (*Peace and Amity.*)

616..ARTICLE XI.

There shall be appointed by the government of the United States Consuls or Agents to reside in Simoda, at any time after the expiration of eighteen months from the date of the signing of this treaty: *Provided*, that either of the two governments deem such arrangement necessary.

Treaty concluded June 17, 1857, (*Intercourse.*)

617..ARTICLE II.

It being known that American ships coming to the ports of Simoda and Hakodadi cannot have their wants supplied by the Japanese, it is agreed that American citizens may permanently reside at Simoda and Hakodadi, and the government of the United States may appoint a Vice-Consul to reside at Hakodadi.

This article to go into effect on the fourth day of July, eighteen hundred fifty-eight.

618..ARTICLE IV.

Americans committing offenses in Japan shall be tried by the American Consul General or Consul, and shall be punished according to American laws.

Japanese committing offenses against Americans shall be tried by the Japanese authorities, and punished according to Japanese laws.

619..ARTICLE VI.

The government of Japan admits the right of his excellency the Consul General of the United States to go beyond the limits of seven ri, but has asked him to delay the use of that right, except in cases of emergency, shipwreck, &c., to which he has assented.

620..ARTICLE VII.

Purchases for his excellency the Consul General, or his family may be made by him only, or by some member of his family, and payment made to the seller for the same without the intervention of any Japanese official, and for this purpose Japanese silver and copper coin shall be supplied to his excellency the Consul General.

Treaty concluded July 29, 1858.

621..ARTICLE I.

There shall henceforward be perpetual peace and friendship between the United States of America and his Majesty the Tycoon of Japan and his successors.

The President of the United States may appoint a Diplomatic Agent to reside at the city of Yedo, and Consuls or Consular Agents to reside at any or all of the ports in Japan which are opened for American commerce by this treaty. The Diplomatic Agent and Consul General of the United States shall have the right to travel

freely in any part of the empire of Japan from the time they enter on the discharge of their official duties.

The government of Japan may appoint a Diplomatic Agent to reside at Washington, and Consuls or Consular Agents for any or all of the ports of the United States. The Diplomatic Agent and Consul General of Japan may travel freely in any part of the United States from the time they arrive in the country.

622..ARTICLE II.

The President of the United States, at the request of the Japanese government, will act as a friendly mediator in such matters of difference as may arise between the government of Japan and any European power.

The ships of war of the United States shall render friendly aid and assistance to such Japanese vessels as they may meet on the high seas, so far as can be done without a breach of neutrality; and all American Consuls residing at ports visited by Japanese vessels shall also give them such friendly aid as may be permitted by the laws of the respective countries in which they reside.

623..ARTICLE III.

In addition to the ports of Simoda and Hakodadi, the following ports and towns shall be opened on the dates respectively appended to them, that is to say: Kanagawa, on the (4th of July, 1859) fourth day of July, one thousand eight hundred and fifty-nine; Nagasaki, on the (4th of July, 1859) fourth day of July, one thousand eight hundred and fifty-nine; Nee-e-gata, on the (1st of January, 1860) first day of January, one thousand eight hundred and sixty; Hiogo, on the (1st of January, 1863) first day of January, one thousand eight hundred and sixty-three.

If Nee-e-gata is found to be unsuitable as a harbor, another port on the west coast of Nipon shall be selected by the two governments in lieu thereof. Six months after the opening of Kanagawa the port of Simoda shall be closed as a place of residence and trade for American citizens. In all the foregoing ports and towns American citizens may permanently reside; they shall have the right to lease ground, and purchase the buildings thereon, and may erect dwellings and warehouses. But no fortification or place of military strength shall be erected under pretense of building dwellings or warehouses; and to see that this article is observed, the Japanese authorities shall have the right to inspect, from time to time, any buildings which are being erected, altered, or repaired. The place which the Americans shall occupy for their buildings, and the harbor regulations, shall be arranged by the American Consul and the authorities of each place, and if they cannot agree the matter shall be referred to and settled by the American Diplomatic Agent and the Japanese government.

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624..ARTICLE VI.

Americans committing offenses against Japanese shall be tried in American Consular Courts, and when guilty shall be punished according to American law. Japanese committing offenses against Americans shall be tried by the Japanese authorities and punished according to Japanese law. The Consular Courts shall be open to Japanese creditors, to enable them to recover their just claims against American citizens, and the Japanese Courts shall in like manner be open to American citizens for the recovery of their just claims against Japanese.

All claims for forfeitures or penalties for violations of this treaty, or of the articles regulating trade which are appended hereunto, shall be sued for in the Consular Courts, and all recoveries shall be delivered to the Japanese authorities.

Neither the American nor Japanese governments are to be held responsible for the payment of any debts contracted by their respective citizens or subjects.

625..ARTICLE VII.

In the opened harbors of Japan Americans shall be free to go where they please, within the following limits:

At Kanagawa, the River Logo, (which empties into the Bay of Yedo, between Kawasaki and Sinagawa,) and (10) ten ri in another direction.

At Hakodadi, (10) ten ri in any direction.

At Hiogo, (10) ten ri in any direction, that of Kioto excepted, which city shall not be approached nearer than (10) ten ri. The crews of vessels resorting to Hiogo shall not cross the River Enagawa, which empties into the bay between Hiogo and Osaca. The distances shall be measured inland from Goyoso, or town hall of each of the foregoing harbors, the ri being equal to (4,275) four thousand two hundred and seventy-five yards, American measure.

At Nagasaki Americans may go into any part of the imperial domain in its vicinity. The boundaries of Nee-e-gata, or the place that may be substituted for it, shall be settled by the American diplomatic agent and the government of Japan. Americans who have been convicted of felony, or twice convicted of misdemeanors, shall not go more than (1) one Japanese ri inland from the places of their respective residences, and all persons so convicted shall lose their right of permanent residence in Japan, and the Japanese authorities may require them to leave the country.

A reasonable time shall be allowed to all such persons to settle their affairs, and the American Consular authority shall, after an examination into the circumstances of each case, determine the time to be allowed, but such time shall not in any case exceed one year,

to be calculated from the time the person shall be free to attend to his affairs.

626..ARTICLE IX.

When requested by the American Consul, the Japanese authorities will cause the arrest of all deserters and fugitives from justice, receive in jail all persons held as prisoners by the Consul, and give to the Consul such assistance as may be required to enable him to enforce the observance of the laws by the Americans who are on land, and to maintain order among the shipping. For all such service, and for the support of prisoners kept in confinement, the Consul shall in all cases pay a just compensation.

627..ARTICLE XI.

The articles for the regulation of trade, which are appended to this treaty, shall be considered as forming a part of the same, and shall be equally binding on both the contracting parties to this treaty, and on their citizens and subjects.

ARTICLE XII.

Such of the provisions of the treaty made by Commodore Perry, and signed at Kanagawa, on the 31st of March, 1854, as conflict with the provisions of this treaty are hereby revoked; and as all the provisions of a convention executed by the Consul General of the United States and the governors of Simoda, on the 17th of June, 1857, are incorporated in this treaty, that Convention is also revoked.

The person charged with the diplomatic relations of the United States in Japan, in conjunction with such person or persons as may be appointed for that purpose by the Japanese government, shall have power to make such rules and regulations as may be required to carry into full and complete effect the provisions of this treaty, and the provisions of the articles regulating trade appended thereunto.

628..*Regulations under which American trade is to be conducted in Japan.*

REGULATION FIRST.

Within (48) forty-eight hours (Sundays excepted) after the arrival of an American ship in a Japanese port, the captain or commander shall exhibit to the Japanese custom-house authorities the receipt of the American Consul, showing that he has deposited the ship's register and other papers, as required by the laws of the United States, at the American Consulate, and he shall then make an entry of his ship, by giving a written paper, stating the name of the ship, and the name of the port from which she comes, her tonnage, the

name of her captain or commander, the names of her passengers, (if any,) and the number of her crew, which paper shall be certified by the captain or commander to be a true statement, and shall be signed by him; he shall at the same time deposit a written manifest of his cargo, setting forth the marks and numbers of the packages and their contents, as they are described in his bills of lading, with the names of the person or persons to whom they are consigned. A list of the stores of the ship shall be added to the manifest. The captain or commander shall certify the manifest to be a true account of all the cargo and stores on board the ship, and shall sign his name to the same. If any error is discovered in the manifest, it may be corrected within (24) twenty-four hours (Sundays excepted) without the payment of any fee; but for any alteration or post entry to the manifest made after that time, a fee of ($15) fifteen dollars shall be paid. All goods not entered on the manifest shall pay double duties on being landed. Any captain or commander that shall neglect to enter his vessel at the Japanese custom-house within the time prescribed by this regulation shall pay a penalty of ($60) sixty dollars for each day that he shall so neglect to enter his ship.

REGULATION FOURTH.

Ships wishing to clear shall give (24) twenty-four hours' notice at the custom-house, and at the end of that time they shall be entitled to their clearance; but if it be refused, the custom-house authorities shall immediately inform the captain or consignee of the ship of the reasons why the clearance is refused, and they shall also give the same notice to the American Consul.

Ships of war of the United States shall not be required to enter or clear at the custom-house, nor shall they be visited by Japanese custom-house or police officers. Steamers carrying the mails of the United States may enter and clear on the same day, and they shall not be required to make a manifest, except for such passengers and goods as are to be landed in Japan; but such steamers shall, in all cases, enter and clear at the custom-house.

Whale ships touching for supplies, or ships in distress, shall not be required to make a manifest of their cargo; but if they subsequently wish to trade, they shall then deposit a manifest as required in regulation first.

The word ship, wherever it occurs in these regulations, or in the treaty to which they are attached, is to be held as meaning ship, bark, brig schooner sloop, or steamer.

MADAGASCAR.

Treaty concluded February 14, 1867, (*Commerce.*)

629..ARTICLE II.

The dominions of each contracting party, as well as the right of domicile of their inhabitants, are sacred, and no forcible possession of territory shall ever take place in either of them by the other party, nor any domiciliary visits or forcible entries be made to the houses of either party against the will of the occupants. But whenever it is known for certain, or suspected, that transgressors against the laws of the kingdom are in certain premises, they may be entered in concert with the United States Consul, or, in his absence, by a duly authorized officer, to look after the offender.

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Contracts for renting or leasing land or houses or hiring laborers may be executed by deeds signed before the United States Consul and the local authorities.

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630..ARTICLE IV.

Each contracting party may appoint Consuls to reside in the dominions of each other, who shall enjoy all privileges granted to Consuls of the most favored nations, to be witness of the good relationship existing between both nations, and to regulate and protect commerce.

631..ARTICLE V.

Citizens of the United States who enter Madagascar, and subjects of her Majesty the Queen of Madagascar while sojourning in America, are subject to the laws of trade and commerce in the respective countries. In regard to civil rights, however, whether of person or property, of American citizens, or in cases of criminal offenses, they shall be under the exclusive civil and criminal jurisdiction of their own Consul only, duly invested with the necessary powers.

But should any American citizen be guilty of a serious criminal offense against the laws of Madagascar, he shall be liable to banishment from the country.

All disputes and differences arising within the dominions of her Majesty, between citizens of the United States and subjects of Madagascar, shall be decided before the United States Consul and an officer duly authorized by her Majesty's government, who shall afford mutual assistance and every facility to each other in recovering debts.

632..ARTICLE VI.

No American vessel shall have communication with the shore before receiving pratique from the local authorities of Madagascar;

nor shall any subject of her Majesty the Queen be permitted to embark on board an American vessel without a passport from her Majesty's government.

In cases of mutiny or desertion, the local authorities shall, on application, render all necessary assistance to the American Consul to bring back the deserters, and to re-establish discipline, if possible, among the crew of a merchant vessel.

633..ARTICLE VII.

In case of a shipwreck of an American vessel on the coast of Madagascar, or if any such vessel should be attacked or plundered in the waters of Madagascar adjacent to any military station, her Majesty engages to order the governor to grant every assistance in his power to secure the property, and to restore it to the owner or to the United States Consul, if this be not impossible.

MECKLENBURG-SCHWERIN.

Treaty concluded December 9, 1847, (*Commerce and Navigation.*)

634..ARTICLE IX.

The high contracting parties grant to each other the liberty of having, each in the ports of the other, Consuls, Vice-Consuls, Commercial Agents, and Vice-Commercial Agents of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nations; but if any of the said Consuls shall carry on trade, they shall be subjected to the same laws and usages to which private individuals of their nation are subjected in the same place.

The Consuls, Vice-Consuls, Commercial and Vice-Commercial Agents, shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the masters and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the captain should disturb the order or tranquillity of the country; or the said Consuls, Vice-Consuls, Commercial Agents, or Vice-Commercial Agents, should require their assistance to cause their decisions to be carried into effect or supported.

It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their own country.

The said Consuls, Vice-Consuls, Commercial Agents, and Vice-Commercial Agents are authorized to require the assistance of the local

authorities for the search, arrest and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand said deserters, proving by the exhibition of the registers of the vessels, the muster-rolls of the crews, or by any other official documents, that such individuals formed part of the crews; and on this claim being thus substantiated, the surrender shall not be refused.

Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, Commercial Agents, or Vice-Commercial Agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belong, or to others of the same country. But if not sent back within three months from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the deserter shall be found to have committed any crime or offense, his surrender may be delayed until the tribunal before which his case shall be pending shall have pronounced its sentence, and such sentence shall have been carried into effect.

MEXICO.

Treaty concluded April 5, 1831, (*Amity, Commerce, and Navigation.*)

635..ARTICLE XXVIII.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to them by their character, they shall, before entering upon the exercise of their functions, exhibit their commission or patent in due form to the government to which they are accredited; and having obtained their exequatur, they shall be held and considered as such by all the authorities, magistrates, and inhabitants of the consular district in which they reside. It is agreed likewise to receive and admit Consuls and Vice-Consuls in all the ports and places open to foreign commerce, who shall enjoy therein all the rights, prerogatives, and immunities of the Consuls and Vice-Consuls of the most favored nation, each of the contracting parties remaining at liberty to except those ports and places in which the admission and residence of such Consuls and Vice-Consuls may not seem expedient.

636..ARTICLE XXIX.

It is likewise agreed that the Consuls, Vice-Consuls, their Secretaries, officers, and persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempt from all compulsory public service, and also from all

kind of taxes, imposts, and contributions levied specially on them, except those which they shall be obliged to pay on account of commerce or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside, are subject; being in everything besides subject to the laws of their respective States. The archives and papers of the Consulates shall be respected inviolably, and under no pretext whatever shall any magistrate seize, or in any way interfere with them.

637..ARTICLE XXX.

The said Consuls shall have power to require the assistance of the authorities of the country, for the arrest, detention, and custody of deserters from the public and private vessels of their country; and for that purpose, they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving, by an exhibition of the register of the vessel, or ship's roll, or other public documents, that the man or men demanded were part of said crews; and on this demand so proved, (saving always where the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the said Consuls, and may be put in the public prisons at the request and expense of those who reclaim them, to be sent to the vessels to which they belonged, or to others of the same nation. But, if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.

638..ARTICLE XXXI.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit, to form a Consular Convention, which shall declare specially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

MOROCCO.

Treaty concluded September 16, 1836, (*Peace and Friendship.*)

639..ARTICLE XX.

If any of the citizens of the United States, or any persons under their protection, shall have any dispute with each other, the Consul shall decide between the parties; and whenever the Consul shall require any aid or assistance from our government to enforce his decisions, it shall be immediately granted to him.

Morocco.

640..ARTICLE XXI.

If a citizen of the United States should kill or wound a Moor, or, on the contrary, if a Moor shall kill or wound a citizen of the United States, the law of the country shall take place, and equal justice shall be rendered, the Consul assisting at the trial; and if any delinquent shall make his escape, the Consul shall not be answerable for him in any manner whatever.

641..ARTICLE XXII.

If an American citizen shall die in our country, and no will shall appear, the Consul shall take possession of his effects; and if there shall be no Consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them; but if the heir to the person deceased be present, the property shall be delivered to him without interruption; and if a will shall appear, the property shall descend agreeably to that will, as soon as the Consul shall declare the validity thereof.

642..ARTICLE XXIII.

The Consuls of the United States of America shall reside in any seaport of our dominions that they shall think proper, and they shall be respected, and enjoy all the privileges which the Consuls of any other nation enjoy; and if any of the citizens of the United States shall contract any debts or engagements, the Consul shall not be in any manner accountable for them, unless he shall have given a promise in writing for the payment or fulfilling thereof; without which promise in writing, no application to him for any redress shall be made.

MUSCAT.

Treaty concluded September 21, 1833, (*Amity and Commerce.*)

643..ARTICLE VII.

If any citizens of the United States, or their vessels, or other property, shall be taken by pirates and brought within the dominions of the Sultan, the persons shall be set at liberty, and the property restored to the owner, if he is present, or to the American Consul, or to any authorized agent.

644..ARTICLE IX.

The President of the United States may appoint Consuls to reside in the ports of the Sultan where the principal commerce shall be

carried on, which Consuls shall be the exclusive judges of all disputes or suits wherein American citizens shall be engaged with each other. They shall have power to receive the property of any American citizen dying within the kingdom, and to send the same to his heirs, first paying all his debts due to the subjects of the Sultan. The said Consuls shall not be arrested, nor shall their property be seized, nor shall any of their household be arrested, but their persons and property, and their houses, shall be inviolate. Should any Consul, however, commit any offense against the laws of the kingdom, complaint shall be made to the President, who will immediately displace him.

NETHERLANDS.

Treaty concluded January 19, 1839, (*Commerce and Navigation.*)

645..ARTICLE III.

It is further agreed between the two contracting parties, that the Consuls and Vice-Consuls of the United States in the ports of the Netherlands in Europe; and reciprocally the Consuls and Vice-Consuls of the Netherlands in the ports of the said States, shall continue to enjoy all privileges, protection and assistance, as may be usual and necessary for the duly exercising of their functions, in respect also of the deserters from the vessels, whether public or private, of their countries.

Treaty concluded January 22, 1855, (*Consular Privilege in Colonies.*)

646..ARTICLE I.

Consuls General, Consuls, and Vice-Consuls of the United States of America will be admitted into all the ports in the transmarine possessions or colonies of the Netherlands, which are open to the vessels of all nations.

647..ARTICLE II.

The Consuls General, Consuls, and Vice-Consuls of the United States of America are considered as Commercial Agents, protectors of the maritime commerce of their countrymen in the ports within the circumference of their Consular districts.

They are subject to the laws, both civil and criminal, of the country in which they reside; with such exceptions as the present convention establishes in their favor.

648..ARTICLE III.

The Consuls General and Consuls, before being admitted to exercise their functions, and to enjoy the immunities attached thereto, must present a commission, in due form, to the government of his Majesty the King of the Netherlands.

After having obtained the exequatur, which shall be countersigned as promptly as possible by the governor of the colony, the said Consular Agents shall be entitled to the protection of the government, and to the assistance of the local authorities, in the free exercise of their functions.

The government, in granting the exequatur, reserves the right of withdrawing the same, or to cause it to be withdrawn by the governor of the colony, on a statement of the reasons for doing so.

649..ARTICLE IV.

The Consuls General and Consuls are authorized to place on the outer door of their Consulates the arms of their government, with the inscription: "Consulate of the United States of America."

It is well understood that this outward mark shall never be considered as conferring the right of asylum, nor as having the power to exempt the house and those dwelling therein from the prosecution of the local justice.

650..ARTICLE V.

It is nevertheless understood that the archives and documents relating to the affairs of the consulate shall be protected against all search, and that no authority or magistrate shall have the power, under any pretext whatever, to visit or seize them, or to examine their contents.

651..ARTICLE VI.

The Consuls General, Consuls, and Vice-Consuls shall not be invested with any diplomatic character.

When a request is to be addressed to the Netherlands government, it must be done through the medium of the diplomatic agent residing at the Hague, if one be there.

The Consul may, in case of urgency, apply to the governor of the colony himself, showing the urgency of the case, and stating the reasons why the request cannot be addressed to the subordinate authorities, or that previous applications made to such authorities have not been attended to.

652..ARTICLE VII.

Consuls General and Consuls shall be free to establish Vice-Consuls in the ports mentioned in article one, and situated in their Consular districts.

The Vice-Consuls may be taken indiscriminately from among the subjects of the Netherlands, or from citizens of the United States, or of any other country residing or having the privilege, according to the local laws, to fix their residence in the port to which the Vice-Consul shall be named.

These Vice-Consuls, whose nomination shall be submitted to the approval of the governor of the colony, shall be provided with a certificate given to them by the Consul under whose orders they exercise their functions.

The governor of the colony may in all cases withdraw from the Vice-Consuls the aforesaid sanction, in communicating to the Consul General or Consul of the respective district the motives for his doing so.

653..ARTICLE VIII.

Passports delivered or signed by Consuls or Consular Agents do not dispense the bearer from providing himself with all the papers required by the local laws, in order to travel or to establish himself in the colonies.

The right of the governor of the colony to prohibit the residence in, or to order the departure from, the colony of any person to whom a passport may have been delivered, remains undisturbed.

654..ARTICLE IX.

When a ship of the United States is wrecked upon the coast of the Dutch colonies, the Consul General, Consul, or Vice-Consul who is present at the scene of the disaster, will, in case of the absence, or with the consent of the captain or supercargo, take all the necessary measures for the salvage of the vessel, the cargo, and all that appertains to it.

In the absence of the Consul General, Consul, or Vice-Consul, the Dutch authorities of the place where the wreck has taken place will act in the premises, according to the regulations prescribed by the laws of the colony.

655..ARTICLE X.

Consuls General, Consuls, and Vice-Consuls may, in so far as the extradition of deserters from merchant vessels or ships of war shall have been stipulated by treaty, request the assistance of the local authorities for the arrest, detention, and imprisonment of deserters from vessels of the United States. To this end, they shall apply to the competent functionaries, and claim said deserters, in writing, proving by the register of the vessel, the list of the crew, or by any other authentic document, that the persons claimed belong to the crew.

The reclamation being thus supported, the local functionaries shall exercise what authority they possess, in order to cause the deserters to be delivered up.

These deserters, being arrested, shall be placed at the disposal of said consuls, and may be confined in the public prisons at the request and at the expense of those who claim them, in order that they may be taken to the vessels to which they belong, or to other vessels of the same nation. But if they are not sent back within four months from the day of their arrest, they shall be set at liberty, and shall not again be arrested for the same cause.

It is understood, however, that if the deserter be found to have committed any crime, offense, or contravention, his extradition may be delayed until the court having cognizance of the matter shall have pronounced its sentence, and the same has been carried into execution.

656.. ARTICLE XI.

In case of the death of a citizen of the United States, without having any known heirs or testamentary executors, the Dutch authorities, who, according to the laws of the colonies, are charged with the administration of the estate, will inform the Consuls or Consular Agents of the circumstance, in order that the necessary information may be forwarded to parties interested.

657.. ARTICLE XII.

The Consuls General, Consuls, and Vice-Consuls have, in that capacity, in so far as the laws of the United States of America allow it, the right to be named arbiters in the differences which may arise between the masters and the crews of the vessels belonging to the United States, and this without the interference of the local authorities, unless the conduct of the crew, or of the captain, should have been such as to disturb the order and tranquillity of the country, or that the Consuls General, Consuls, or Vice-Consuls, should request the assistance of the said authorities, in order to carry out their decisions or to maintain their authority.

It is understood, however, that this decision or special arbitrament is not to deprive, on their return, the parties in litigation of the right of appeal to the judiciary authorities of their own country.

658.. ARTICLE XIII.

The Consuls General, Consuls, and Vice-Consuls, who are not subjects of the Netherlands, who, at the time of their appointment, are not established as residents in the kingdom of the Netherlands or its colonies, and who do not exercise any calling, profession, or trade besides their Consular functions, are, in so far as in the United States the same privileges are granted to the Consuls General, Consuls, and Vice-Consuls of the Netherlands, exempt from military billetings, from personal taxation, and, moreover, from all public or municipal taxes which are considered of a personal character, so

that this exemption shall never extend to custom-house duties or other taxes, whether indirect or real.

Consuls General, Consuls, and Vice-Consuls who are not natives or recognised subjects of the Netherlands, but who may exercise conjointly with their Consular functions any profession or trade whatever, are obliged to fulfill duties and pay taxes and contributions, like all Dutch subjects and other inhabitants.

The Consuls General, Consuls, and Vice Consuls, subjects of the Netherlands, but to whom it has been accorded to exercise consular functions conferred by the government of the United States of America, are obliged to fulfill duties and pay taxes and contributions, like all Dutch subjects and other inhabitants.

659..ARTICLE XIV.

The Consuls General, Consuls, and Vice-Consuls of the United States shall enjoy all such other privileges, exemptions, and immunities in the colonies of the Netherlands as may at any future time be granted to the agents of the same rank of the most favored nations.

NICARAGUA.

Treaty concluded June 21, 1867, (*Friendship, Commerce, and Navigation.*)

660..ARTICLE VIII.

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If any citizen of the two high contracting parties shall die without a will or testament in any of the territories of the other, the minister or consul, or other diplomatic agent, of the nation to which the deceased belonged, (or the representative of such minister or consul, or other diplomatic agent, in case of absence,) shall have the right to nominate curators to take charge of the property of the deceased, so far as the laws of the country will permit, for the benefit of the lawful heirs and creditors of the deceased, giving proper notice of such nomination to the authorities of the country.

661..ARTICLE X.

It shall be free for each of the two high contracting parties to appoint consuls for the protection of trade, to reside in any of the territories of the other party. But before any consul shall act as such, he shall, in the usual form, be approved and admitted by the government to which he is sent; and either of the high contracting parties may except from the residence of consuls such particular places as they judge fit to be excepted.

The Diplomatic Agents of Nicaragua and Consuls shall enjoy in

the territories of the United States whatever privileges, exemptions, and immunities are or shall be allowed to the agents of the same rank belonging to the most favored nations; and in the like manner the Diplomatic Agents and Consuls of the United States in Nicaragua shall enjoy, according to the strictest reciprocity, whatever privileges, exemptions, and immunities are or may be granted in the republic of Nicaragua to the Diplomatic Agents and Consuls of the most favored nations.

NEW GRANADA.

Treaty concluded May 4, 1850, (*Consular Privileges.*)

662.. ARTICLE I.

Each of the two contracting republics may maintain in the principal cities or commercial places of the other, and in the ports open to foreign commerce, Consuls of its own, charged with the protection of the commercial rights and interests of their nation, and to sustain their countrymen in the difficulties to which they may be exposed. They may likewise appoint Consuls General, as chiefs over the other Consuls, or to attend to the affairs of several commercial places at the same time, and Vice-Consuls for ports of minor importance, or to act under the direction of the Consuls. Each republic may, however, except those cities, places or ports in which it may consider the residence of such functionaries inconvenient, such exception being common to all nations. All that is said in this convention of Consuls in general shall be considered as relating not only to Consuls, properly so called, but to Consuls General and Vice-Consuls, in all the cases to which this convention refers.

663.. ARTICLE II.

The Consuls appointed by one of the contracting parties to reside in the ports or places of the other shall present to the government of the republic in which they are to reside their letters patent or commission, in order that they may receive the proper exequatur, if it be deemed expedient to give it, which shall be granted without any charge; and this exequatur, when obtained, is to be exhibited to the chief authorities of the place in which the Consul is to exercise his functions, in order that they may cause him to be recognized in his character, and that he may be sustained in his proper prerogative, in his respective Consular district. The government receiving the Consul may withdraw the exequatur or his Consular commission whenever it may judge proper to do so, but in such case shall state a reasonable ground for the proceeding.

664.. ARTICLE III.

The Consuls admitted in either republic may exercise in their respective districts the following functions:

1. They may apply directly to the authorities of the district in which they reside, and they may, in case of necessity, have recourse to the national government through the Diplomatic Agent of their nation, if there be any, or directly, if there be no such Agent, in complaint against any infraction of the treaties of commerce committed by the authorities or persons employed by them in the country, to the injury of the commerce of the nation in whose service the Consul is engaged.

2. They may apply to the authorities of the consular district, and in case of necessity, they may have recourse to the national government through the Diplomatic Agent of their nation, if there be any, or directly, if there be no such Agent, against any abuse on the part of the authorities of the country, or the persons employed by them, against individuals of their nation in whose service the Consul is engaged; and they may, when necessary, take such measures as may be proper to prevent justice from being denied to them or delay, and to prevent them from being judged or punished by any other than competent judges, and agreeably to the laws in force.

3. They may, as the natural defenders of their fellow-countrymen, appear in their name and behalf, whenever so requested by them, before the respective authorities of the place, in all cases in which their support may be necessary.

4. They may accompany the captains, mates, or masters of vessels of their nation in all that they may have to do with regard to the manifests of their merchandise and other documents, and be present in all cases in which the authorities, courts, or judges of the country may have to take any declarations from the persons above mentioned, or any other belonging to their respective crews.

5. They may receive depositions, protests, and statements from captains, mates, and masters of vessels of their nation respecting losses and injuries sustained at sea, and protests of any individuals of their nation respecting mercantile affairs. These documents, drawn up in authentic copies, certified by the Consul, shall be admitted in the courts and offices of justice, and shall have the same validity as if they had been authenticated before the same judges or courts.

6. They may determine on all matters relating to injuries sustained at sea by effects and merchandise shipped in vessels of the nation in whose service the Consul is employed arriving at the place of his residence, provided that there be no stipulations to the contrary between the shippers, owners, and insurers. But if, among the persons interested in such losses and injuries, there should be inhabitants of the country where the Consul resides, and not be-

longing to the nation in whose service he is, the cognizance of such losses and injuries appertains to the local authorities.

7. They may compromise amicably, and out of court, the differences arising between their fellow-countrymen, providing that those persons agree voluntarily to submit to such arbitration; in which case, the document containing the decision of the Consul, authenticated by himself and by his Chancellor or Secretary, shall have all the force of a notarial copy authenticated, so as to render it obligatory on the interested parties.

8. They may cause proper order to be maintained on board of vessels of their nation, and may decide on the disputes arising between the captains, the officers, and the members of the crew, unless the disorders taking place on board should disturb the public tranquillity, or persons not belonging to the crew or to the nation in whose service the Consul is employed; in which case the local authorities may interfere.

9. They may direct all the operations for saving vessels of their nation which may be wrecked on the coasts of the district where the Consul resides. In such cases, the local authorities shall interfere only in order to maintain tranquillity, to give security to the interests of the parties concerned, and to cause the dispositions which should be observed for the entry and export of the property to be fulfilled. In the absence of the Consul, and until his arrival, the said authorities shall take all the measures necessary for the preservation of the effects of the wrecked vessel.

10. They may take possession, make inventories, appoint appraisers to estimate the value of articles, and proceed to the sales of the moveable property of individuals of their nation who may die in the country where the Consul resides without leaving executors appointed by their will or heirs at law. In all such proceeding, the Consul shall act in conjunction with two merchants, chosen by himself, for drawing up the said papers for delivering the property or the produce of its sale, observing the laws of his country and the orders which he may receive from his own government; but Consuls shall not discharge these functions in those states whose peculiar legislation may not allow it. Whensoever there is no Consul in the place where the death occurs, the local authorities shall take all the precautions in their power to secure the property of the deceased.

11. They may demand from the local authorities the arrest of seamen deserting from the vessel of the nation in whose service the Consul is employed, exhibiting, if necessary, the register of the vessel, her muster-roll, and any other official document, in support of this demand. The said authorities shall take such measures as may be in their power for the discovery and arrest of such deserters, and shall place them at the disposition of the Consul; but if the vessel to which they belong shall have sailed, and no opportunity for sending them away should occur, they shall be kept in arrest at the expense of the Consul, for two months; and if, at the expi-

ration of that time, they should not have been sent away, they shall be set at liberty by the respective authorities, and cannot again be arrested for the same cause.

12. They may give such documents as may be necessary for the intercourse between the two countries, and countersign those which may have been given by the authorities. They may also give bills of health, if necessary, to vessels sailing from the port where the Consul resides to the port of the nation to which he belongs; they may also certify invoices, muster-rolls, and other papers necessary for the commerce and navigation of vessels.

13. They may appoint a Chancellor or Secretary whensoever the Consulate has none, and one is required for authenticating documents.

14. They may appoint Commercial Agents to employ all the means in their power, in behalf of individuals of the nation in whose service the Consul is, and for executing the commissions which the Consul may think proper to intrust to them, out of the place of his residence; provided, however, that such agents are not to enjoy the prerogatives conceded to Consuls, but only those which are peculiar to Commercial Agents.

665..ARTICLE IV.

The Consuls of one of the contracting republics residing in another country may employ their good offices in favor of individuals of the other republic which has no Consul in that country.

666..ARTICLE V.

The contracting republics recognize no diplomatic character in Consuls, for which reason they will not enjoy in either country the immunities granted to public agents accredited in that character; but, in order that the said Consuls may exercise their proper functions without difficulty or delay, they shall enjoy the following prerogatives:

1. The archives and papers of the Consulate shall be inviolable, and cannot be seized by any functionary of the country in which they may be.

2. Consuls, in all that exclusively concerns the exercise of their functions, shall be independent of the state in whose territory they reside.

3. The Consuls and their Chancellors or Secretaries shall be exempt from all public service and from contributions, personal and extraordinary, imposed in the country where they reside. This exemption does not comprehend the Consuls or their Chancellors or Secretaries who may be natives of the country in which they reside.

4. Whenever the presence of Consuls may be required in courts or offices of justice, they shall be summoned in writing.

5. In order that the dwellings of Consuls may be easily and gen-

erally known, for the convenience of those who may have to resort to them, they shall be allowed to hoist on them the flag, and to place over their doors the coat of arms, of the nation in whose service the Consul may be, with an inscription expressing the functions discharged by him; but those insignia shall not be considered as importing a right of asylum, nor as placing the house or its inhabitants beyond the authority of magistrates who may think proper to search them, and who shall have that right in regard to them in the same manner as with regard to the houses of the other inhabitants, in the cases prescribed by the laws.

667..ARTICLE VI.

The persons and dwellings of Consuls shall be subject to the laws and authorities of the country in all cases in which they have not received a special exemption by this Convention, and in the same manner as the other inhabitants.

668..ARTICLE VII.

Consuls shall not give passports to any individual of their nation, or going to their nation, who may be held to answer before any authority, court, or judge of the country for delinquencies committed by them, or for a demand which may have been legally acknowledged; provided that in each case proper notice thereof shall have been given to the Consul; and they shall see that the vessels of their nation do not infringe the rules of neutrality when the nation in which the Consul resides is at war with another nation.

PARAGUAY.

Treaty concluded February 4, 1859, (Friendship, Commerce, and Navigation.

669..ARTICLE X.

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In the event of any citizen of either of the two contracting parties dying without will or testament in the territory of the other contracting party, the Consul General, Consul, or Vice-Consul of the nation to which the deceased may belong, or, in his absence, the representative of such Consul General, Consul, or Vice-Consul shall, so far as the laws of each country will permit, take charge of the property which the deceased may have left, for the benefit of his lawful heirs and creditors, until an executor or administrator be named by the said Consul General, Consul, or Vice-Consul, or his representative.

Paraguay.

670..ARTICLE XII.

It shall be free for each of the two contracting parties to appoint Consuls for the protection of trade, to reside in the territories of the other party; but before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the government to which he is sent; and either of the two contracting parties may except from the residence of Consuls such particular places as either of them may judge fit to be excepted.

The Diplomatic Agents and Consuls of the United States of America in the territories of the republic of Paraguay shall enjoy whatever privileges, exemptions, and immunities are or may be there granted to the Diplomatic Agents and Consuls of any other nation whatever; and, in like manner, the Diplomatic Agents and Consuls of the republic of Paraguay in the United States of America shall enjoy whatever privileges, exemptions, and immunities are or may be there granted to agents of any other nation whatever.

671..ARTICLE XIV.

The citizens of either of the two contracting parties residing in the territories of the other shall enjoy, in regard to their houses, persons, and properties, the protection of the government in as full and ample a manner as native citizens.

In like manner the citizens of each contracting party shall enjoy, in the territories of the other, full liberty of conscience, and shall not be molested on account of their religious belief; and such of those citizens as may die in the territories of the other party shall be buried in the public cemeteries, or in places appointed for the purpose, with suitable decorum and respect.

The citizens of the United States of America residing within the territories of the republic of Paraguay shall be at liberty to exercise, in private and in their own dwellings, or within the dwellings or offices of the Consuls or Vice-Consuls of the United States of America, their religious rites, services, and worship, and to assemble therein for that purpose without hinderance or molestation.

PERSIA.

Treaty concluded December 13, 1856, (*Peace and Friendship.*)

672..ARTICLE V.

All suits and disputes arising in Persia between Persian subjects and citizens of the United States shall be carried before the Persian tribunal to which such matters are usually referred at the place where a Consul or Agent of the United States may reside, and shall

be discussed and decided according to equity in the presence of an employé of the Consul or Agent of the United States.

All suits and disputes which may arise in the empire of Persia between citizens of the United States shall be referred entirely for trial and for adjucation to the Consul or Agent of the United States, residing in the province wherein such suits and disputes may have arisen, or in the province nearest to it, who shall decide them according to the laws of the United States.

All suits and disputes occurring in Persia between the citizens of the United States and the subjects of other foreign powers, shall be tried and adjudicated by the intermediation of their respective Consuls or Agents.

In the United States, Persian subjects in all disputes arising between themselves, or between them and citizens of the United States or foreigners, shall be judged according to the rules adopted in the United States respecting the subjects of the most favored nation.

Persian subjects residing in the United States, and citizens of the United States residing in Persia, shall, when charged with criminal offenses, be tried and judged in Persia and the United States in the same manner as are the subjects and citizens of the most favored nation residing in either of the above mentioned countries.

673. ARTICLE VI.

In case of a citizen or subject of either of the contracting parties dying within the territories of the other, his effects shall be delivered up integrally to the family or partners in business of the deceased; and in case he has no relations or partners, his effects in either country shall be delivered up to the Consul or Agent of the nation of which the deceased was a subject or citizen, so that he may dispose of them in accordance with the laws of his country.

674. ARTICLE VII.

For the protection of their citizens or subjects, and their commerce respectively, and in order to facilitate good and equitable relations between the citizens and subjects of the two countries, the two high contracting parties reserve the right to maintain a diplomatic agent at either seat of government, and to name each three Consuls in either country; those of the United States shall reside at Teheran, Bender, Bushir, and Tauris; those of Persia at Washington, New York, and New Orleans.

The Consuls of the high contracting parties shall reciprocally enjoy in the territories of the other, where their residences shall be established, the respect, privileges, and immunities, granted in either country to the Consuls of the most favored nation. The Diplomatic Agent or Consuls in the United States shall not protect,

secretly or publicly, the subjects of the Persian government, and they shall never suffer a departure from the principles here laid down and agreed to by mutual consent.

And it is further understood, that if any of those Consuls shall engage in trade, they shall be subjected to the same laws and usages to which private individuals of their nation engaged in commercial pursuits in the same place are subjected.

And it is also understood by the high contracting parties, that the Diplomatic and Consular Agents of the United States shall not employ a greater number of domestics than is allowed by treaty to those of Russia residing in Persia.

PORTUGAL.

Treaty concluded August 26, 1840, (Commerce and Navigation.)

675.. ARTICLE X.

The two contracting parties shall have the liberty of having, each in the ports of the other, Consuls, Vice-Consuls, Agents, and Commissaries of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nation. But, before any Consul, Vice-Consul, Agent, or Commissary shall act as such, he shall, in the usual form, be approved and admitted by the government to which he is sent.

But if any such Consuls shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitted, in the same place, in respect of their commercial transactions.

And it is hereby declared that, in case of offense against the laws, such Consul, Vice-Consul, Agent, or Commissary may either be punished according to law or be sent back, the offended government assigning to the other reasons for the same.

The archives and papers of the Consulates shall be respected inviolably; and under no pretext whatever shall any magistrate seize, or in any way interfere with them.

The Consuls, Vice-Consuls, and Commercial Agents shall have the right as such to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews, or of the captains, should disturb the order or the tranquillity, or offend the laws of the country; or the said Consuls, Vice-Consuls, or Commercial Agents should require their assistance to cause their decisions to be carried into effect or supported.

It is, however, understood that this species of judgment, or arbi-

tration, shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authorities of their country.

676..ARTICLE XI.

The said Consuls, Vice-Consuls, and Commercial Agents are authorized to require the assistance of the local authorities for the search, arrest, detention, and imprisonment of the deserters from the ships of war and merchant vessels of their country.

For this purpose they shall apply to the competent tribunals, judges and officers, and shall, in writing, demand the said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by any other official documents, that such individuals formed part of the crews; and this reclamation being thus substantiated, the surrender shall be made without delay.

Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessels to which they belonged, or sent back to their own country by a vessel of the same nation, or any other vessel whatsoever. But, if not sent back within four months from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the deserter shall be found to have committed any crime or offense, the surrender may be delayed until the tribunal, before which his case shall be pending, shall have pronounced its sentence, and such sentence shall have been carried into effect.

PRUSSIA.

Treaty concluded May 1, 1828, (*Commerce and Navigation.*)

677..ARTICLE X.

The two contracting parties have granted to each other the liberty of having, each in the ports of the other, Consuls, Vice-Consuls, Agents, and Commissaries, of their own appointment, who shall enjoy the same privileges and powers of those of the most favored nations. But if any such Consul shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitted, in the same place.

The Consuls, Vice-Consuls, and Commercial Agents shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of

the crew or of the captain should disturb the order or tranquillity of the country, or the said Consuls, Vice-Consuls, or Commercial Agents should require their assistance to cause their decisions to be carried into effect or supported. It is, however, understood, that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their country.

678..ARTICLE XI.

The said Consuls, Vice-Consuls, and Commercial Agents, are authorized to require the assistance of the local authorities for the search, arrest, and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews; and on this reclamation being thus substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belonged, or to others of the same country. But if not sent back within three months from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the deserter should be found to have committed any crime or offense, his surrender may be delayed until the tribunal before which his case shall be depending shall have pronounced its sentence and such sentence shall have been carried into effect.

RUSSIA.

Treaty concluded December 6-18, 1832, (*Navigation and Commerce.*)

679..ARTICLE VIII.

The two contracting parties shall have the liberty of having, in their respective ports, Consuls, Vice-Consuls, Agents, and Commissaries of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nations. But if any such Consul shall exercise commerce, he shall be submitted to the same laws and usages to which the private individuals of their nation are submitted, in the same place.

The Consuls, Vice-Consuls, and Commercial Agents shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging

to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the captain should disturb the order or the tranquillity of the country, or the said Consuls, Vice-Consuls, or Commercial Agents should require their assistance to cause their decisions to be carried into effect or supported. It is, however, understood, that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their country.

680..ARTICLE IX.

The said Consuls, Vice-Consuls, and Commercial Agents are authorized to require the assistance of the local authorities for the search, arrest, detention, and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews; and this reclamation being thus substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessels to which they belonged, or sent back to their own country by a vessel of the same nation, or any other vessel whatsoever. But if not sent back within four months from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the deserter should be found to have committed any crime or offense, his surrender may be delayed until the tribunal before which his case shall be depending shall have pronounced its sentence and such sentence shall have been carried into effect.

REPUBLIC OF SALVADOR.

Treaty concluded January 2, 1850, (Amity, Navigation, and Commerce.)

681..ARTICLE XXX.

To make more effectual the protection which the United States and the Republic of San Salvador shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and to admit Consuls and Vice-Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities of the Consuls and Vice-Consuls of the most

favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls may not seem convenient.

682..ARTICLE XXXI.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to them by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent in due form to the government to which they are accredited; and, having obtained their exequatur, they shall be held and considered as such by all the authorities, magistrates, and inhabitants in the consular district in which they reside.

683..ARTICLE XXXII.

It is likewise agreed that the Consuls, their Secretaries, officers, and persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempt from all public service, and also from all kind of taxes, imposts, and contributions, except those which they shall be obliged to pay on account of commerce or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside are subject, being in everything besides subject to the laws of the respective States. The archives and papers of the Consulates shall be respected inviolably, and under no pretext whatever shall any magistrate seize, or in any way interfere, with them.

684..ARTICLE XXXIII.

The said Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country; and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand in writing the said deserters, proving by an exhibition of the registers of the vessel's or ship's roll, or other public documents, that those men were part of the said crews; and on this demand, so proved, (saving, however, where the contrary is proved by other testimonies,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of the said Consuls, and may be put in the public prisons at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation; but if they be not sent back within two months, to be counted from the day of arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

Salvador.

685..ARTICLE XXXIV.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree to form, as soon hereafter as circumstances will permit, a Consular Convention, which shall declare specially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

SIAM.

Treaty concluded May 29, 1856, (Peace and Friendship.)

686..ARTICLE I.

There shall henceforward be perpetual peace and friendship between the United States and their Majesties the first and second Kings of Siam and their successors.

All American citizens coming to Siam shall receive from the Siamese government full protection and assistance to enable them to reside in Siam in all security, and trade with every facility, free from oppression or injury on the part of the Siamese. Inasmuch as Siam has no ships trading to the ports of the United States, it is agreed that the ships of war of the United States shall render friendly aid and assistance to such Siamese vessels as they may meet on the high seas, so far as can be done without a breach of neutrality; and all American Consuls residing at ports visited by Siamese vessels shall also give them such friendly aid as may be permitted by the laws of the respective countries in which they reside.

687..ARTICLE II.

The interests of all American citizens coming to Siam shall be placed under the regulations and control of a Consul, who will be appointed to reside at Bangkok. He will himself conform to and will enforce the observance by American citizens of all the provisions of this treaty, and such of the former treaty, negotiated by Mr. Edmund Roberts in 1833, as shall still remain in operation. He shall also give effect to all rules and regulations as are now or may hereafter be enacted for the government of American citizens in Siam, the conduct of their trade, and for the prevention of violations of the laws of Siam. Any disputes arising between American citizens and Siamese subjects shall be heard and determined by the Consul, in conjunction with the proper Siamese officers, and criminal offenses will be punished, in the case of American offenders by the Consul, according to American laws, and in the case of Siamese offenders by their own laws, through the Siamese authori-

ties. But the Consul shall not interfere in any matters referring solely to Siamese; neither will the Siamese authorities interfere in questions which only concern the citizens of the United States.

688..ARTICLE III.

If Siamese in the employ of American citizens offend against the laws of their country, or if any Siamese, having so offended, or desiring to desert, take refuge with American citizens in Siam, they shall be searched for, and, upon proof of their guilt or desertion, shall be delivered up by the Consul to the Siamese authorities. In like manner, any American offenders, resident or trading in Siam, who may desert, escape to, or hide themselves in Siamese territory, shall be apprehended and delivered over to the American Consul on his requisition.

689..ARTICLE IV.

American citizens are permitted to trade freely in all the seaports of Siam, but may reside permanently only at Bangkok, or within the limits assigned by this treaty.

American citizens coming to reside at Bangkok may rent land and buy or build houses, but cannot purchase land within the circuit of two hundred *seng* (not more than four miles English) from the city walls, until they shall have lived in Siam for ten years, or shall obtain special authority from the Siamese government to enable them to do so. But, with the exception of this limitation, American residents in Siam may, at any time, buy or rent houses, lands, or plantations situated anywhere within a distance of twenty-four hours' journey from the city of Bangkok, to be computed by the rate at which boats of the country can travel. In order to obtain possession of such lands or houses it will be necessary that the American citizen shall, in the first place, make application through the Consul to the proper Siamese officer, and the Siamese officer and the Consul, having satisfied themselves of the honest intentions of the applicant, will assist him in settling, upon equitable terms, the amount of the purchase money; will make out and fix the boundaries of the property, and will convey the same to the American purchaser under sealed deeds, whereupon he and his property shall be placed under the protection of the governor of the district, and that of the particular local authorities. He shall conform in ordinary matters to any just direction given him by them, and will be subject to the same taxation that is levied on Siamese subjects. But if, through negligence, the want of capital, or other cause, an American citizen should fail to commence the cultivation or improvements of the lands so acquired within a term of three years from the date of receiving possession thereof, the Siamese government shall have the power of resuming the property upon returning to the American citizen the purchase money paid by him for the same.

690. ARTICLE VI.

American ships of war may enter the river and anchor at Paknam; but they shall not proceed above Paknam unless with the consent of the Siamese authorities, which shall be given where it is necessary that a ship shall go into dock for repairs. Any American ships of war conveying to Siam a public functionary, accredited by the American government to the court of Bangkok, shall be allowed to come up to Bangkok, but shall not pass the forts called Phrachamit and Pit-pach-nuck, unless expressly permitted to do so by the Siamese government. But, in the absence of an American ship of war, the Siamese authorities engage to furnish the Consul with a force sufficient to enable him to give effect to his authority over American citizens, and to enforce discipline among American shipping.

691. ARTICLE VII.

The measurement duty hitherto paid by American vessels trading to Bangkok under the treaty of 1833 shall be abolished from the date of this treaty coming into operation, and American shiping or trade will thenceforth only be subject to the payment of import and export duties on the goods landed or shipped.

On the articles of import the duty shall be three per cent., payable, at the option of the importer, either in kind or money, calculated upon the market value of the goods. Drawback of the full amount of duty shall be allowed upon goods found unsalable and re-exported. Should the American merchant and the custom-house officers disagree as to the value to be set upon imported articles, such disputes shall be referred to the Consul and a proper Siamese officer, who shall each have the power to call in an equal number of merchants as assessors, not exceeding two on either side, to assist them in coming to an equitable decision.

Opium may be imported free of duty, but can only be sold to the opium farmer or his agents. In the event of no arrangement being effected with them for the sale of the opium, it shall be re-exported, and no impost or duty shall be levied thereon. Any infringement of this regulation shall subject the opium to seizure and confiscation.

Articles of export, from the time of production to the date of shipment, shall pay one impost only, whether this be levied under the name of inland tax, transit duty, or duty on exportation. The tax or duty to be paid on each article of Siamese produce previous to or upon exportation is specified in the tariff attached to this treaty; and it is distinctly agreed that goods or produce that pay any description of tax in the interior shall be exempted from any further payment of duty on exportation. American merchants are to be allowed to purchase directly from the producer the articles in which they trade, and in like manner to sell their goods directly to the parties wishing to purchase the same, without the interference in either case of any other person.

The rates of duty laid down in the tariff attached to this treaty are those that are now paid upon goods or produce shipped in Siamese or Chinese vessels or junks; and it is agreed that American shipping shall enjoy all the privileges now exercised by, or which hereafter may be granted to, Siamese or Chinese vessels or junks.

American citizens will be allowed to build ships in Siam on obtaining permission to do so from the Siamese authorities.

Whenever a scarcity may be apprehended of salt, rice, and fish, the Siamese government reserve to themselves the right of prohibiting by public proclamation the exportation of these articles, giving 30 days' (say thirty days) notice, except in case of war.

Bullion or personal effects may be imported or exported free of charge.

692..ARTICLE VIII.

The code of regulations appended to this treaty shall be enforced by the Consul, with the co-operation of the Siamese authorities; and they, the said authorities and Consul, shall be enabled to introduce any further regulations which may be found necessary in order to give effect to the objects of this treaty.

All fines and penalties inflicted for infraction of the provisions and regulations of this treaty shall be paid to the Siamese government.

693..REGULATION III.

When an American vessel shall have cast anchor at Bangkok, the master, unless a Sunday should intervene, will, within four-and-twenty hours after arrival, proceed to the American Consulate and deposit there his ship's papers, bills of lading, &c., together with a true manifest of his import cargo; and upon the Consul's reporting these particulars to the custom-house, permission to break bulk will at once be given by the latter.

For neglecting so to report his arrival, or for presenting a false manifest, the master will subject himself, in each instance, to a penalty of four hundred ticals; but he will be allowed to correct, within twenty-four hours after delivery of it to the Consul, any mistake he may discover in his manifest, without incurring the above-mentioned penalty.

694..REGULATION V.

As soon as an American vessel shall have discharged her cargo and completed her outward lading, paid all her duties, and delivered a true manifest of her outward cargo to the American Consul, a Siamese port clearance shall be granted her, on application from the Consul, who, in the absence of any legal impediment to her departure, will then return to the master his ship's papers, and allow the vessel to leave. A custom-house officer will accompany the vessel

to Paknam, and on arriving there she will be inspected by the custom-house officers of that station, and will receive from them the guns and ammunition previously delivered into their charge.

695..REGULATION VII.

All American citizens intending to reside in Siam shall be registered at the American Consulate; they shall not go out to sea, nor proceed beyond the limits assigned by the treaty for the residence of American citizens, without a passport from the Siamese authorities, to be applied for by the American Consul; nor shall they leave Siam if the Siamese authorities show to the American Consul that legitimate objections exist to their quitting the country. But within the limits appointed under Article IV of the treaty, American citizens are at liberty to travel to and fro, under the protection of a pass to be furnished them by the American Consul, and countersealed by the proper Siamese officer, stating in the Siamese character their names, calling, and description. The Siamese officers at the government stations in the interior may at any time call for the production of this pass; and immediately on its being exhibited they must allow the parties to proceed; but it will be their duty to detain those persons who, by traveling without a pass from the Consul, render themselves liable to the suspicion of being deserters, and such detention shall be immediately reported to the Consul.

SWISS CONFEDERATION.

Concluded November 25, 1850, (Friendship, reciprocal establishments, commerce, and for the surrender of fugitive criminals.)

696..ARTICLE VII.

The contracting parties give to each other the privilege of having, each, in the large cities and important commercial places of their respective states, Consuls and Vice-Consuls of their own appointment, who shall enjoy the same privileges and powers, in the discharge of their duties, as those of the most favored nations. But before any Consul or Vice-Consul shall act as such, he shall in the ordinary form be approved of by the government to which he is commissioned.

In their private and business transactions Consuls and Vice-Consuls shall be submitted to the same laws and usages as private individuals, citizens of the place in which they reside.

It is hereby understood that in case of offense against the laws by a Consul or Vice-Consul, the government to which he is commissioned may, according to circumstances, withdraw his exequatur, send him away from the country, or have him punished in con-

formity with the laws, assigning to the other government its reasons for so doing.

The archives and papers belonging to the Consulates shall be respected inviolably, and under no pretext whatever shall any magistrate or other functionary visit, seize, or in any way interfere with them.

SWEDEN AND NORWAY.

Treaty concluded July 4, 1827, (Commerce and navigation.)

697..ARTICLE XIII.

Each of the high contracting parties grants to the other the privilege of appointing, in its commercial ports and places, Consuls, Vice-Consuls, and Commercial Agents, who shall enjoy the full protection, and receive every assistance necessary for the due exercise of their functions; but it is expressly declared that, in case of illegal or improper conduct with respect to the laws or government of the country in which said Consuls, Vice-Consuls, or Commercial Agents shall reside, they may be prosecuted and punished conformably to the laws, and deprived of the exercise of their functions by the offended government, which shall acquaint the other with its motives for having thus acted; it being understood, however, that the archives and documents relative to the affairs of the Consulate shall be exempt from all search, and shall be carefully preserved under the seals of the Consuls, Vice-Consuls, or Commercial Agents, and of the authority of the place where they may reside.

The Consuls, Vice-Consuls, or Commercial Agents, or the persons duly authorized to supply their places, shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crew or of the captain should disturb the order or tranquillity of the country; or the said Consuls, Vice-Consuls, or Commercial Agents should require their assistance to cause their decisions to be carried into effect or supported. It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of the country.

698..ARTICLE XIV.

The said Consuls, Vice-Consuls, or Commercial Agents are authorized to require the assistance of the local authorities for the arrest, detention, and imprisonment of the deserters from the ships of war

and merchant vessels of their country; and, for this purpose, they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand said deserters, proving, by the exhibition of the registers of the vessels, the rolls of the crew, or by other official documents, that such individuals formed part of the crews, and on this reclamation being thus substantiated, the surrender shall not be refused.

Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons, at the request and cost of those who claim them, in order to be sent to the vessels to which they belonged, or to others of the same country. But if not sent back within the space of two months, reckoning from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.

It is understood, however, that if the deserter should be found to have committed any crime or offense, his surrender may be delayed until the tribunal before which the case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

TRIPOLI.

Treaty concluded June 4, 1805, (Peace and Amity.)

699. ARTICLE VI.

Proper passports shall immediately be given to vessels of both the contracting parties, on condition that the vessels of war belonging to the regency of Tripoli, on meeting with merchant vessels belonging to citizens of the United States of America, shall not be permitted to visit them with more than two persons beside the rowers; these two only shall be permitted to go on board said vessel, without first obtaining leave from the commander of said vessel, who shall compare the passport, and immediately permit said vessel to proceed on her voyage; and should any of the said subjects of Tripoli insult or molest the commander, or any other person on board a vessel so visited, or plunder any of the property contained in her, on complaint being made by the Consul of the United States of America resident at Tripoli, and on his producing sufficient proof to substantiate the fact, the commander or rais of said Tripoline ship or vessel of war, as well as the offenders, shall be punished in the most exemplary manner. All vessels of war belonging to the United States of America, on meeting with a cruiser belonging to the regency of Tripoli, and having seen her passport and certificate from the Consul of the United States of America residing in the regency, shall permit her to proceed on her cruise unmolested, and

without detention. No passport shall be granted by either party to any vessels, but such as are absolutely the property of citizens or subjects of said contracting parties, on any pretense whatever.

700..ARTICLE XI.

The commerce between the United States of America and the regency of Tripoli; the protections to be given to merchants, masters of vessels, and seamen; the reciprocal rights of establishing Consuls in each country, and the privileges, immunities, and jurisdictions to be enjoyed by such Consuls, are declared to be on the same footing with those of the most favored nations, respectively.

701..ARTICLE XII.

The Consul of the United States of America shall not be answerable for debts contracted by citizens of his own nation, unless he previously gives a written obligation so to do.

702..ARTICLE XIII.

On a vessel of war belonging to the United States of America anchoring before the city of Tripoli, the Consul is to inform the Bashaw of her arrival, and she shall be saluted with twenty-one guns, which she is to return in the same quantity or number.

703..ARTICLE XIV.

As the government of the United States of America has, in itself, no character of enmity against the laws, religion, or tranquillity of Musselmen, and as the said states never have entered into any voluntary war or act of hostility against any Mohometan nation, except in the defense of their just rights to freely navigate the high seas, it is declared by the contracting parties, that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two nations. And the Consuls and Agents of both nations, respectively, shall have liberty to exercise his religion in his own house. All slaves of the same religion shall not be impeded in going to the said Consuls' house at hours of prayer. The Consuls shall have liberty and personal security given them to travel within the territories of each other, both by land and sea, and shall not be prevented from going on board any vessel that they may think proper to visit. They shall have, likewise, the liberty to appoint their own Dragoman and Brokers.

704..ARTICLE XV.

In case of any dispute arising from the violation of any of the articles of this treaty, no appeal shall be made to arms, nor shall war be declared on any pretext whatever; but if the Consul resid-

ing at the place where the dispute shall happen, shall not be able to settle the same, the government of that country shall state their grievances in writing, and transmit it to the government of the other; and the period of twelve calandar months shall be allowed for answers to be returned; during which time no act of hostility shall be permiited by either party; and in case the grievances are not redressed, and war should be the event, the Consuls and citizens or subjects of both parties, reciprocally, shall be permitted to embark unmolested on board of what vessel or vessels they shall think proper.

705..ARTICLE XVIII.

If any of the citizens of the United States, or any person under their protection, shall have any dispute with each other, the Consul shall decide between the parties; and whenever the Consul shall require any aid or assistance from the government of Tripoli to enforce his decision, it shall immediately be granted to him; and if any dispute shall arise between any citizen of the United States and the citizens or subjects of any other nation having a Consul or Agent in Tripoli, such disputes shall be settled by the Consuls or Agents of the respective nations.

706..ARTICLE XIX.

If a citizen of the United States should kill or wound a Tripoline, or, on the contrary, if a Tripoline shall kill or wound a citizen of the United States, the law of the country shall take place, and equal justice shall be rendered, the Consul assisting at the trial; and if any delinquent shall make his escape, the Consul shall not be answerable for him in any manner whatever.

707..ARTICLE XX.

Should any citizen of the United States of America die within the limits of the regency of Tripoli, the Bashaw and his subjects shall not interfere with the property of the deceased; but it shall be under the immediate direction of the Consul, unless otherwise disposed of by will. Should there be no Consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them; when they shall render an account of the property. Neither shall the Bashaw or his subjects give hinderance in the execution of any will that may appear.

TUNIS.

Treaty concluded August, 1797, (Peace and Friendship.)

708..ARTICLE XVII.

Each of the contracting parties shall be at liberty to establish a Consul in the dependencies of the other; and if such Consul does not act in conformity with the usages of the country, like others, the government of the place shall inform his government of it, to the end that he may be changed and replaced; but he shall enjoy, as well for himself as his family and suite, the protection of the government; and he may import for his own use all his provisions and furniture, without paying any duty; and if he shall import merchandise, (which it shall be lawful for him to do,) he shall pay duty for it.

709..ARTICLE XVIII.

If the subjects or citizens of either of the contracting parties, being within the possessions of the other, contract debts, or enter into obligations, neither the Consul nor the nation, nor any subjects or citizens thereof, shall be in any manner responsible, except they or the Consul shall have previously become bound in writing; and without this obligation in writing, they cannot be called upon for indemnity or satisfaction.

710..ARTICLE XIX.

In case of a citizen or subject of either of the contracting parties dying within the possessions of the other, the Consul or the Vekil shall take possession of his effects, (if he does not leave a will,) of which he shall make an inventory; and the government of the place shall have nothing to do therewith; and if there shall be no Consul, the effects shall be deposited in the hands of a confidential person of the place, taking an inventory of the whole, that they may eventually be delivered to those to whom they of right belong.

711..ARTICLE XX.

The Consul shall be the judge of all disputes between his fellow-citizens or subjects, as also between all other persons who may be immediately under his protection; and in all cases wherein he shall require the assistance of the government where he resides to sanction his decisions, it shall be granted to him.

712..ARTICLE XXI.

If a citizen or subject of one of the parties shall kill, wound, or strike a citizen or subject of the other, justice shall be done accord-

ing to the laws of the country where the offense shall be committed; the Consul shall be present at the trial; but if any offender shall escape, the Consul shall be in no manner responsible for it.

713..ARTICLE XXII.

If a dispute or lawsuit on commercial or other civil matters shall happen, the trial shall be had in the presence of the Consul, or of a confidential person of his choice, who shall represent him, and endeavor to accommodate the difference which may have happened between the citizens or subjects of the two nations.

TURKEY.

Treaty concluded May 7, 1830, (*Commerce and Navigation.*)

714..ARTICLE II.

The Sublime Porte may establish *Shahbenders* (Consuls) in the United States of America, and the United States may appoint their citizens to be Consuls or Vice-Consuls at the commercial places in the dominions of the Sublime Porte where it shall be found needful to superintend the affairs of commerce. These Consuls or Vice-Consuls shall be furnished with *berats* or *firmans;* they shall enjoy suitable distinction, and shall have necessary aid and protection.

715..ARTICLE IV.

If litigations and disputes should arise between subjects of the Sublime Porte and citizens of the United States, the parties shall not be heard, nor shall judgments be pronounced unless the American Dragoman be present. Causes in which the sum may exceed five hundred piasters shall be submitted to the Sublime Porte, to be decided according to the laws of equity and justice. Citizens of the United States of America, quietly pursuing their commerce, and not being charged or convicted of any crime or offense, shall not be molested; and even when they may have committed some offense they shall not be arrested and put in prison by the local authorities, but they shall be tried by their Minister or Consul, and punished according to their offense, following, in this respect, the usage observed towards other Franks.*

*The Ottoman Porte declines to accept the interpretation of a portion of Article IV which is given in the English translation of the treaty of 1830 with Turkey, as follows: "But they shall be tried by their Minister or Consul and punished according to their offense, following in this respect the usage observed toward other Franks," and claims that the terms of the original Turkish text, which was accepted by the American negotiator to be strictly observed on all occasions, does not affect the rights of the Turkish government with respect to the preventive

716..ARTICLE V.

American merchant vessels that trade to the dominions of the Sublime Porte may go and come in perfect safety with their own flag; but they shall not take the flag of any other power, nor shall they grant their flag to the vessels of other nations and powers, nor to the vessels of rayahs. The Minister, Consuls, and Vice-Consuls of the United States, shall not protect, secretly or publicly, the rayahs of the Sublime Porte, and they shall never suffer a departure from the principles here laid down and agreed to by mutual consent.

717..ARTICLE IX.

If any merchant vessel of either of the contracting parties should be wrecked, assistance and protection shall be afforded to those of the crew that may be saved, and the merchandise and effects which it may be possible to save and recover shall be conveyed to the Consul nearest to the place of the wreck, to be by him delivered to the proprietors.

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arrest and holding in custody of foreign subjects during criminal proceedings of which they may be the objects, and that it accords to Americans the same privilege which the subjects of other powers already enjoyed, viz, the leaving to the Minister or Consul the execution of the punishments to which Americans may be condemned in case of crimes or offenses.

Mr. Morris, United States Minister to Turkey, was informed on the 19th of October, in dispatch No. 221, that the President had determined to submit the facts to the consideration of the Senate and await its resolution before inaugurating diplomatic action. Mr. Morris was instructed in the mean time to avoid, and direct our Consular Officers to avoid, making any issue, the maintaining of which depended upon the English version of the fourth and seventh articles, which is contained in our statutes, or drawing in question the construction which the government of Turkey put upon the original documents.

APPENDIX No. II.

EXTRACTS FROM CONVENTIONS RELATING TO NATURALIZATION AND REFERRED TO IN THE TEXT.

BADEN.

Convention concluded July 19, 1868.

718..ARTICLE I.

Citizens of the Grand Duchy of Baden, who have resided uninterruptedly within the United States of America five years, and before, during, or after that time have become, or shall become, naturalized citizens of the United States, shall be held by Baden to be American citizens, and shall be treated as such. Reciprocally, citizens of the United States of America, who have resided uninterruptedly within the Grand Duchy of Baden five years, and before, during, or after that time have become, or shall become, naturalized citizens of the Grand Duchy of Baden, shall be held by the United States to be citizens of Baden, and shall be treated as such. The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

719..ARTICLE II.

A naturalized citizen of the one party, on return to the territory of the other party, remains liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration, saving always the limitation established by the laws of his original country, or any other remission of liability to punishment. In particular, a former Badener who, under the first article, is to be held as an American citizen, is liable to trial and punishment according to the laws of Baden for non-fulfillment of military duty—

1. If he has emigrated after he, on occasion of the draft from those owing military duty, has been enrolled as a recruit for service in the standing army.

2. If he has emigrated while he stood in service under the flag, or had a leave of absence only for a limited time.

3. If, having a leave of absence for an unlimited time, or belonging to the reserve or to the militia, he has emigrated after having received a call into service, or after a public proclamation requiring his appearance, or after war has broken out.

On the other hand, a former Badener, naturalized in the United States, who, by or after his emigration, has transgressed or shall transgress the legal provisions on military duty by any acts or

omissions other than those above enumerated in the clauses numbered one to three, can, on his return to his original country, neither be held subsequently to military service nor remain liable to trial and punishment for the non-fulfillment of his military duty. Moreover, the attachment on the property of an emigrant for non-fulfillment of his military duty, except in the cases designated in the clauses numbered one to three, shall be removed so soon as he shall prove his naturalization in the United States according to the first article.

720..ARTICLE III.

The convention for the mutual delivery of criminals, fugitives from justice, concluded between the Grand Duchy of Baden on the one part, and the United States of America on the other part, the thirtieth day of January, one thousand eight hundred and fifty-seven, remains in force without change.

721..ARTICLE IV.

The emigrant from the one state, who, according to the first article, is to be held as a citizen of the other state shall not on his return to his original country be constrained to resume his former citizenship; yet if he shall of his own accord reacquire it and renounce the citizenship obtained by naturalization, such a renunciation is allowed, and no fixed period of residence shall be required for the recognition of his recovery of citizenship in his original country.

722..ARTICLE V.

The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force ten years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall remain in force until the end of twelve months after either of the contracting parties shall have given notice of such intention.

GEORGE BANCROFT.

BAVARIA.

Convention concluded May 26, 1868.

723..ARTICLE I.

Citizens of Bavaria who have become, or shall become, naturalized citizens of the United States of America, and shall have resided uninterruptedly within the United States for five years, shall be

held by Bavaria to be American citizens, and shall be treated as such.

Reciprocally: Citizens of the United States of America who have become, or shall become, naturalized citizens of Bavaria, and shall have resided uninterruptedly within Bavaria five years, shall be held by the United States to be Bavarian citizens, and shall be treated as such.

The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

724.. ARTICLE II.

A naturalized citizen of the one party on return to the territory of the other party remains liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration, saving always the limitation established by the laws of his original country, or any other remission of liability to punishment.

725.. ARTICLE III.

The convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between the United States on the one part, and Bavaria on the other part, the twelfth day of September, one thousand eight hundred and fifty-three, remains in force without change.

726.. ARTICLE IV.

If a Bavarian, naturalized in America, renews his residence in Bavaria, without the intent to return to America, he shall be held to have renounced his naturalization in the United States. Reciprocally, if an American, naturalized in Bavaria, renews his residence in the United States, without the intent to return to Bavaria, he shall be held to have renounced his naturalization in Bavaria. The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country.

727.. ARTICLE V.

The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force for ten years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

Bavaria.

728.—PROTOCOL.

Done at Munich, the 26th May, 1868.

The undersigned met to-day to sign the treaty agreed upon in conformity with their respective full powers, relating to the citizenship of those persons who emigrate from Bavaria to the United States of America, and from the United States of America to Bavaria; on which occasion the following observations, more exactly defining and explaining the contents of this treaty, were entered in the following protocol:

I. RELATING TO THE FIRST ARTICLE OF THE TREATY.

1. Inasmuch as the copulative "and" is made use of, it follows, of course, that not the naturalization alone, but an additional five years' uninterrupted residence is required, before a person can be regarded as coming within the treaty; but it is by no means requisite that the five years' residence should take place after the naturalization. It is hereby further understood that if a Bavarian has been discharged from his Bavarian indigenate, or on the other side, if an American has been discharged from his American citizenship in the manner legally prescribed by the government of his original country, and then acquires naturalization in the other country in a rightful and perfectly valid manner, then an additional five years' residence shall no longer be required, but a person so naturalized shall from the moment of his naturalization be held and treated as a Bavarian, and reciprocally as an American citizen.

2. The words "resided uninterruptedly" are obviously to be understood, not of a continued bodily presence, but in the legal sense, and therefore a transient absence, a journey, or the like, by no means interrupts the period of five years contemplated by the first article.

729.—II. RELATING TO THE SECOND ARTICLE OF THE TREATY.

1. It is expressly agreed, that a person who, under the first article, is to be held as an adopted citizen of the other state, on his return to his original country cannot be made punishable for the act of emigration itself, not even though at a later day he should have lost his adopted citizenship.

730.—III. RELATING TO THE FOURTH ARTICLE OF THE TREATY.

1. It is agreed on both sides, that the regulative powers granted to the two governments respectively, by their laws for protection against resident aliens, whose residence endangers peace and order in the land, are not affected by the treaty. In particular the regulation contained in the second clause of the tenth article of the

Bavarian military law of the 30th of January, 1868, according to which Bavarians emigrating from Bavaria before the fulfillment of their military duty cannot be admitted to a permanent residence in the land till they shall have become 32 years old, is not affected by the treaty. But yet it is established and agreed, that by the expression "permanent residence" used in the said article, the above described emigrants are not forbidden to undertake a journey to Bavaria for a less period of time and for definite purposes, and the royal Bavarian government moreover cheerfully declares itself ready, in all cases in which the emigration has plainly taken place in good faith, to allow a mild rule in practice to be adopted.

2. It is hereby agreed that when a Bavarian naturalized in America, and reciprocally an American naturalized in Bavaria, takes up his abode once more in his original country without the intention of return to the country of his adoption, he does by no means thereby recover his former citizenship; on the contrary, in so far as it relates to Bavaria, it depends on his Majesty, the King, whether he will or will not in that event grant the Bavarian citizenship anew.

The article fourth shall accordingly have only this meaning, that the adopted country of the emigrant cannot prevent him from acquiring once more his former citizenship; but not that the State to which the emigrant originally belonged is bound to restore him at once to his original relation.

On the contrary, the citizen naturalized abroad must first apply to be received back into his original country in the manner prescribed by its laws and regulations, and must acquire citizenship anew, exactly like any other alien.

But yet it is left to his own free choice, whether he will adopt that course or will preserve the citizenship of the country of his adoption.

The two plenipotentiaries give each other mutually the assurance that their respective governments in ratifying this treaty will also regard as approved and will maintain the agreements and explanations contained in the present protocol, without any further formal ratification of the same.

[SEAL.] GEORGE BANCROFT.

BELGIUM.

Convention concluded November 16, 1868.

731.—ARTICLE I.

Citizens of the United States who may or shall have been naturalized in Belgium will be considered by the United States as citizens

of Belgium. Reciprocally, Belgians who may or who shall have been naturalized in the United States will be considered by Belgium as citizens of the United States.

732..ARTICLE II.

Citizens of either contracting party, in case of their return to their original country, can be prosecuted there for crimes or misdemeanors committed before naturalization, saving to them such limitations as are established by the laws of their original country.

733..ARTICLE III.

Naturalized citizens of either contracting party, who shall have resided five years in the country which has naturalized them, cannot be held to the obligation of military service in their original country, or to incidental obligation resulting therefrom, in the event of their return to it, except in cases of desertion from organized and embodied military or naval service, or those that may be assimilated thereto by the laws of that country.

734..ARTICLE IV.

Citizens of the United States naturalized in Belgium shall be considered by Belgium as citizens of the United States when they shall have recovered their character as citizens of the United States, according to the laws of the United States. Reciprocally, Belgians naturalized in the United States shall be considered as Belgians by the United States when they shall have recovered their character as Belgians according to the laws of Belgium.

735..ARTICLE V.

The present convention shall enter into execution immediately after the exchange of ratifications, and shall remain in force for ten years. If, at the expiration of that period, neither of the contracting parties shall have given notice six months in advance of its intention to terminate the same, it shall continue in force until the end of twelve months after one of the contracting parties shall have given notice to the other of such intention.

GREAT BRITAIN.

Convention concluded May 13, 1870.

736..ARTICLE I.

Citizens of the United States of America who have become, or shall become, and are naturalized according to law within the British

dominions as British subjects, shall, subject to the provisions of Article II, be held by the United States to be in all respects and for all purposes British subjects, and shall be treated as such by the United States.

Reciprocally, British subjects who have become, or shall become, and are naturalized according to law within the United States of America as citizens thereof, shall, subject to the provisions of Article II, be held by Great Britain to be in all respects and for all purposes citizens of the United States, and shall be treated as such by Great Britain.

737..ARTICLE II.

Such citizens of the United States as aforesaid, who have become and are naturalized within the dominions of her Britannic Majesty as British subjects, shall be at liberty to renounce their naturalization and to resume their nationality as citizens of the United States, provided that such renunciation be publicly declared within two years after the exchange of the ratifications of the present convention.

Such British subjects as aforesaid, who have become and are naturalized as citizens within the United States, shall be at liberty to renounce their naturalization and to resume their British nationality, provided that such renunciation be publicly declared within two years after the 12th day of May, 1870.

The manner in which this renunciation may be made and publicly declared shall be agreed upon by the governments of the respective countries.

738..ARTICLE III.

If any such citizen of the United States as aforesaid, naturalized within the dominions of her Britannic Majesty, should renew his residence in the United States, the United States government may, on his own application, and on such conditions as that government may think fit to impose, readmit him to the character and privileges of a citizen of the United States, and Great Britain shall not, in that case, claim him as a British subject on account of his former naturalization.

In the same manner, if any such British subject as aforesaid, naturalized in the United States, should renew his residence within the dominions of her Britannic Majesty, her Majesty's government may, on his own application, and on such conditions as that government may think fit to impose, readmit him to the character and privileges of a British subject, and the United States shall not, in that case, claim him as a citizen of the United States on account of his former naturalization.

HESSE DARMSTADT.

Convention concluded August 1, 1868.

739.. ARTICLE I.

Citizens of the parts of the Grand Duchy of Hesse not included in the North German Confederation, who have become or shall become naturalized citizens of the United States of America, and shall have resided uninterruptedly within the United States five years, shall be held by the Grand Ducal Hessian government to be American citizens, and shall be treated as such.

Reciprocally, citizens of the United States of America, who have become or shall become naturalized citizens of the above-described parts of the Grand Duchy of Hesse, and shall have resided uninterruptedly therein five years, shall be held by the United States to be citizens of the Grand Duchy of Hesse, and shall be treated as such.

The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

740.. ARTICLE II.

A naturalized citizen of the one party, on return to the territory of the other party, remains liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration, saving always the limitation established by the laws of his original country.

741.. ARTICLE III.

The convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between the United States of America and the Grand Duchy of Hesse on the 16th of June, 1852, remains in force without change.

742.. ARTICLE IV.

If a Hessian, naturalized in America, but originally a citizen of the parts of the Grand Duchy not included in the North German Confederation, renews his residence in those parts without the intent to return to America, he shall be held to have renounced his naturalization in the United States.

Reciprocally, if an American, naturalized in the Grand Duchy of Hesse, (within the above-described parts,) renews his residence in the United States without the intent to return to Hesse, he shall be held to have renounced his naturalization in the Grand Duchy.

The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country.

Hesse Darmstadt.

743..ARTICLE V.

The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force for ten years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

MEXICO.

Convention concluded July 10, 1868.

744..ARTICLE I.

Those citizens of the United States who have been made citizens of the Mexican republic by naturalization, and have resided without interruption in Mexican territory five years, shall be held by the United States as citizens of the Mexican republic, and shall be treated as such. Reciprocally, citizens of the Mexican republic who have become citizens of the United States, and who have resided uninterruptedly in the territory of the United States for five years, shall be held by the republic of Mexico as citizens of the United States, and shall be treated as such. The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization. This article shall apply as well to those already naturalized in either of the countries contracting as to those hereafter naturalized.

745..ARTICLE II.

Naturalized citizens of either of the contracting parties, on return to the territory of the other, remain liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration; saving always the limitations established by his original country.

746..ARTICLE III.

The convention for the surrender in certain cases of criminals, fugitives from justice, concluded between the United States of America of the one part and the Mexican republic on the other part, on the eleventh day of December, one thousand eight hundred and sixty-one, shall remain in full force without any alteration.

747..ARTICLE IV.

If a citizen of the United States naturalized in Mexico renews his residence in the United States without the intent to return to Mex-

ico, he shall be held to have renounced his naturalization in Mexico. Reciprocally, if a Mexican naturalized in the United States renews his residence in Mexico without the intent to return to the United States, he shall be held to have renounced his naturalization in the United States.

The intent not to return may be held to exist when the person naturalized in the one country resides in the other country more than two years, but this presumption may be rebutted by evidence to the contrary.

NORTH GERMAN UNION.

Convention concluded February 22, 1868.

748..ARTICLE I.

Citizens of the North German Confederation who become naturalized citizens of the United States of America, and shall have resided uninterruptedly within the United States five years, shall be held by the North German Confederation to be American citizens, and shall be treated as such.

Reciprocally, citizens of the United States of America who become naturalized citizens of the North German Confederation, and shall have resided uninterruptedly within North Germany five years, shall be held by the United States to be North German citizens, and shall be treated as such. The declaration of an intention to become a citizen of one or the other country has not for either party the effect of naturalization.

749..ARTICLE II.

A naturalized citizen of the one party on return to the territory of the other party remains liable to trial and punishment for an action punishable by the laws of his original country and committed before his emigration; saving always the limitation established by the laws of his original country.

750..ARTICLE III.

The convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between the United States on the one part and Prussia and other states of Germany on the other part, the sixteenth day of June, one thousand eight hundred and fifty-two, is hereby extended to all the states of the North German Confederation.

751..ARTICLE IV.

If a German naturalized in America renews his residence in North Germany, without the intent to return to America, he shall be held

to have renounced his naturalization in the United States. Reciprocally, if an American naturalized in North Germany renews his residence in the United States, without the intent to return to North Germany, he shall be held to have renounced his naturalization in North Germany. The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country.

752..ARTICLE V.

The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force for ten years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

WÜRTEMBERG.

Convention concluded July 27, 1868.

753..ARTICLE I.

Citizens of Würtemberg, who have become or shall become naturalized citizens of the United States of America, and shall have resided uninterruptedly within the United States five years, shall be held by Würtemberg to be American citizens and treated as such. Reciprocally, citizens of the United States of America who have become or shall become naturalized citizens of Würtemberg, and shall have resided uninterruptedly within Würtemberg five years, shall be held by the United States to be citizens of Würtemberg, and shall be treated as such. The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

754..ARTICLE II.

A naturalized citizen of the one party on return to the territory of the other party remains liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration; saving always the limitation established by the laws of his original country, or any other remission of liability to punishment.

755..ARTICLE III.

The convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between Würtemberg and

the United States the 16th June, 1852, [13th October, 1853,] remains in force without change.

756..Article IV.

If a Würtemberger, naturalized in America, renews his residence in Würtemberg without the intent to return to America, he shall be held to have renounced his naturalization in the United States. Reciprocally, if an American, naturalized in Würtemberg, renews his residence in the United States without the intent to return to Würtemberg, he shall be held to have renounced his naturalization in Würtemberg. The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country.

757..Article V.

The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force for ten years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the high contracting parties shall have given notice to the other of such intention.

APPENDIX No. III.

EXTRACTS FROM STATUTES OF THE UNITED STATES REFERRED TO IN THE FOREGOING INSTRUCTIONS.

AN ACT concerning Consuls and Vice-Consuls. Approved April 14, 1792.*
[Statutes at Large, vol. i, p. 255.]

* * * * * *

758. SEC. 2. *Be it enacted, &c.*, That they [Consular Officers of the United States] shall have right, in the ports or places to which they are or may be severally appointed, of receiving the protests or declarations which such captains, masters, crews, passengers, and merchants as are citizens of the United States may respectively choose to make there; and also such as any foreigner may choose to make before them, relative to the personal interest of any citizens of the United States; and the copies of the said acts, duly authenticated by the said Consuls or Vice-Consuls, under the seal of their Consulates, respectively, shall receive faith in law, equally as their originals would in all courts in the United States. It shall be their duty where the laws of the country permit, to take possession of the personal estate left by any citizen of the United States, other than seamen belonging to any ship or vessel who shall die within their Consulate leaving there no legal representative, partner in trade; or trustee by him appointed to take care of his effects, they shall inventory the same with the assistance of two merchants of the United States, or for want of them, of any others at their choice; shall collect the debts due to the deceased in the country where he died, and pay the debts due from his estate which he shall have there contracted; shall sell at auction, after reasonable public notice such part of the estate as shall be of a perishable nature and such further part, if any, as shall be necessary for the payment of his debts, and at the expiration of one year from his decease, the residue; and the balance of the estate they shall transmit to the treasury of the United States, to be holden in trust for the legal claimants. But if at any time before such transmission, the legal representative of the deceased shall appear and demand his effects in their hands, they shall deliver them up, being paid their fees, and shall cease their proceedings.

For the information of the representative of the deceased, it shall be the duty of the Consul or Vice-Consul authorized to proceed as aforesaid in the settlement of his estate, immediately to notify his death in one of the gazettes published in the Consulate, and also to the Secretary of State, that the same may be notified in the State to which the deceased shall belong; and he shall also, as soon as

* Statutes at Large, vol. i, p. 255. The first section of this act was repealed by the act approved July 7, 1798. Statutes, vol. i, p. 578.

may be, transmit to the Secretary of State, an inventory of the effects of the deceased taken as before directed.*

759..SEC. 3. *And be it further enacted*, That the said Consuls and Vice-Consuls, in cases where ships or vessels of the United States shall be stranded on the coasts of their Consulates respectively, shall, as far as the laws of the country will permit, take proper measures, as well for the purpose of saving the said ships or vessels, their cargoes and appurtenances, as for storing and securing the effects and merchandise saved, and for taking an inventory or inventories thereof; and the merchandise and effects saved with the inventory or inventories thereof, taken as aforesaid, shall, after deducting therefrom the expense, be delivered to the owner or owners. *Provided*, That no Consul or Vice-Consul shall have authority to take possession of any such goods, wares, merchandise or other property, when the master, owner or consignee thereof is present or capable of taking possession of the same.*

* * * * * *

760..SEC. 6. *And be it further enacted*, That every Consul and Vice-Consul shall, before they enter on the execution of their trusts, or if already in the execution of the same, within one year from the passing of this act, or if resident in Asia, within two years, give bond with such sureties as shall be approved by the Secretary of State, in a sum of not less than two thousand dollars nor more than ten thousand dollars, conditioned for the true and faithful discharge of the duties of his office according to law, and also for truly accounting for all moneys, goods and effects which may come into his possession by virtue of this act, and the said bond shall be lodged in the office of the Secretary of the Treasury.†

* * * * * *

761..SEC. 9. *And be it further enacted*, That the specification of certain powers and duties, in this act, to be exercised or performed by the Consuls and Vice-Consuls of the United States, shall not be construed to the exclusion of others resulting from the nature of their appointments, or any treaty or convention under which they may act.

AN ACT supplementary to the "Act concerning Consuls and Vice-Consuls and for the further protection of American seamen." Approved February 28, 1803. [Statutes at Large, vol. ii, p. 203.]

762..SECTION 1. *Be it enacted by the Senate and House of Repre-*

* Section fourth of this act was repealed by the thirty-third section of the act of August 18, 1856.

† The seventh and eighth sections of this act were repealed by the fifth section of the act of February 28, 1803.

The fifth section is modified by the second, fifth, thirteenth, and thirty-third sections of the act of August 18, 1856. The salary of the Consuls in the Barbary States is increased, and the provisions respecting the bonds required to be given by Consular Officers are modified; *Vice-Consuls* must still, as heretofore, give bonds. Statutes at Large, vol. ii, p. 203.

sentatives of the United States of America in Congress assembled, That before a clearance be granted to any vessel bound on a foreign voyage, the master thereof shall deliver to the collector of the customs, a list, containing the names, places of birth and residence, and a description of the persons who compose his ship's company, to which list the oath or affirmation of the captain shall be annexed, that the said list contains the names of his crew, together with the places of their birth and residence, as far as he can ascertain them, and the said collector shall deliver him a certified copy thereof, for which the collector shall be entitled to receive the sum of twenty-five cents; and the said master shall moreover enter into bond with sufficient security, in the sum of four hundred dollars, that he shall exhibit the aforesaid certified copy of the list to the first boarding officer, at the first port in the United States, at which he shall arrive on his return thereto, and then and there also produce the persons named therein to the said boarding officer, whose duty it shall be to examine the men with such list, and to report the same to the collector, and it shall be the duty of the collector at the said port of arrival, (where the same is different from the port from which the vessel originally sailed) to transmit a copy of the list so reported to him, to the collector of the port from which said vessel originally sailed: *Provided,* That the said bond shall not be forfeited on account of the said master not producing to the first boarding officer, as aforesaid, any of the persons contained in the said list, who may be discharged in a foreign country with the consent of the Consul, Vice-Consul, Commercial Agent, or Vice-Commercial Agent there residing, signified in writing, under his hand and official seal, to be produced to the collector with the other persons composing the crew as aforesaid; nor on account of any such person dying or absconding, or being forcibly impressed into other service, of which satisfactory proof shall be then also exhibited to the collector.

763.. SEC. 2. *And be it further enacted,* That it shall be the duty of every master or commander of a ship or vessel, belonging to citizens of the United States, who shall sail from any port of the United States, after the first day of May next, on his arrival at a foreign port, to deposit his register, sea letter, and Mediterranean passport with the Consul, Vice-Consul, Commercial Agent, or Vice-Commercial Agent, (if any there be at such port;) that in case of refusal or neglect of the said master or commander, to deposit the said papers as aforesaid, he shall forfeit and pay five hundred dollars, to be recovered by the said Consul, Vice-Consul, Commercial Agent, or Vice-Commercial Agent, in his own name, for the benefit of the United States, in any court of competent jurisdiction; and it shall be the duty of such Consul, Vice-Consul, Commercial Agent, or Vice-Commercial Agent, on such master or commander producing to him a clearance from the proper officer of the port where his ship or vessel may be, to deliver to the said master or commander all of his said papers:

Provided, Such master or commander shall have complied with the provisions contained in this act, and those of the act to which this is supplement.*

764..SEC. 3. *And be it further enacted,* That whenever a ship or vessel belonging to a citizen of the United States shall be sold in a foreign country, and her company discharged, or when a seaman or mariner, a citizen of the United States, shall, with his own consent, be discharged in a foreign country, it shall be the duty of the master or commander to produce to the Consul, Vice-Consul, Commercial Agent, or Vice-Commercial Agent, the list of his ship's company, certified as aforesaid; and to pay to such Consul, Vice-Consul, Commercial Agent, or Vice-Commercial Agent, for every seaman or mariner so discharged, being designated on such list as a citizen of the United States, three months' pay, over and above the wages which may then be due to such mariner or seaman, two-thirds thereof to be paid by such Consul, or Commercial Agent, to each seaman or mariner so discharged, upon his engagement on board of any vessel to return to the United States, and the other remaining third to be retained for the purpose of creating a fund for the payment of the passages of seamen or mariners, citizens of the United States, who may be desirous of returning to the United States, and for the maintenance of American seamen who may be destitute, and may be in such foreign port; and the several sums retained for such fund shall be accounted for with the treasury every six months by the persons receiving the same.

765..SEC. 4. *And be it further enacted,* That it shall be the duty of the Consuls, Vice-Consuls, Commercial Agents, Vice-Commercial Agents of the United States, from time to time, to provide for the mariners and seamen of the United States, who may be found destitute within their districts respectively, sufficient subsistence and passages to some port in the United States, in the most reasonable manner, at the expense of the United States, subject to such instructions as the Secretary of State shall give; and that all masters and commanders of vessels belonging to citizens of the United States, and bound to some port of the same, are hereby required and enjoined to take such mariners or seamen on board of their ships or vessels, at the request of the said Consuls, Vice-Consuls, Commercial Agents or Vice-Commercial Agents respectively, and to transport them to the port in the United States to which such ships or vessels may be bound, on such terms not exceeding ten dollars for each person, as may be agreed between the said master and Consul, or Commercial Agent. And the said mariners or seamen shall, if able, be bound to do duty on board such ships or vessels according to their several abilities: *Provided,* That no master or captain of any ship or vessel shall be obliged to take a greater number than

* See last clause of section twenty-eight of the act of August 18, 1856, which modifies this proviso.

two men to every one hundred tons burden of the said ship or vessel, on any one voyage; and if any such captain or master shall refuse the same on the request or order of the Consul, Vice-Consul, Commercial Agent or Vice-Commercial Agent, such captain or master shall forfeit and pay the sum of one hundred dollars for each mariner or seaman so refused, to be recovered for the benefit of the United States in any court of competent jurisdiction. And the certificate of any such Consul or Commercial Agent, given under his hand and official seal, shall be *prima facie* evidence of such refusal in any court of law having jurisdiction for the recovery of the penalty aforesaid.

766..SEC. 7. *And be it further enacted*, That if any Consul, Vice-Consul, Commercial Agent, or Vice-Commercial Agent, shall falsely and knowingly certify, that property belonging to foreigners is property belonging to citizens of the United States, he shall, on conviction thereof, in any court of competent jurisdiction, forfeit and pay a fine not exceeding ten thousand dollars, at the discretion of the court, and be imprisoned for any term not exceeding three years.

767..SEC. 8. *And be it further enacted*, That if any Consul, Vice-Consul, Commercial Agent or Vice-Commercial Agent shall grant a passport or other paper certifying that any alien, knowing him or her to be such, is a citizen of the United States, he shall, on conviction thereof, in any court of competent jurisdiction, forfeit and pay a fine not exceeding one thousand dollars.

768..SEC. 9. *And be it further enacted*, That all powers of attorney executed after the thirtieth day of June next, in a foreign country, for the transfer of any stock of the United States, or for the receipt of interest thereon, shall be verified by the certificate and seal of a Consul, Vice-Consul, Commercial Agent or Vice-Commercial Agent, if any there be at the place where the same shall be executed * *

AN ACT in addition to the act entitled "An act supplementary to the act concerning Consuls and Vice-Consuls," and for the further protection of American seamen. Approved February 28, 1811. [Statutes at Large, vol. ii, p 651.]

769..*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in all cases where distressed mariners and seamen of the United States have been transported from foreign ports where there was no Consul, Vice-Consul, Commercial Agent, or Vice-Commercial Agent of the United States, to ports of the United States; and in all cases where they shall hereafter be so transported, there shall be allowed to the master or owner of each vessel, in which they shall or may have been transported, such reasonable compensation, in addition to the allowance now fixed by law, as shall be deemed equitable by the Comptroller of the Treasury.

Act of March 1, 1823.

AN ACT supplementary to and to amend an act entitled "An act to regulate the collection of duties on imports and tonnage," passed second March, one thousand seven hundred and ninety-nine, and for other purposes. Approved March 1, 1823. [Statutes at Large, vol. iii, p. 729.]

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770.. SEC. 7. *Be it further enacted, &c.* That no goods, wares, or merchandise, subject to ad valorem duty, imported as aforesaid, and belonging to a person or persons not residing at the time in the United States, and who shall have actually purchased the same, shall be admitted to entry, unless the invoice be verified by the oath of the owner, or one of the owners, certifying that the said goods, wares, or merchandise, were actually purchased for his account, or for account of himself and partners in the said purchase, that the invoice annexed thereto contains a true and faithful account of the actual cost thereof, and of all charges thereon, and that no discounts, bounties, or drawbacks, are contained in the said invoice, but such as have been actually allowed on the same; which said oath shall be administered by a Consul or Commercial Agent of the United States; or by some public officer duly authorized to administer oaths in the country where the said goods, wares, or merchandise, shall have been purchased, and the same duly certified by the said Consul, Commercial Agent, or public officer; in which latter case such official certificate shall be authenticated by a Consul or CommercialAgent of the United States: *Provided*, That if there be no Consul or Commercial Agent of the United States in the country from which the said goods, wares, or merchandise, shall have been imported, the authentication hereby required shall be executed by a Consul of a nation at the time in amity with the United States, if there be any such residing there; and if there be no such Consul in the country, the said authentication shall be made by two respectable merchants, if any such there be, residing in the port from which the said goods, wares, or merchandise, shall have been imported.

771.. SEC. 8. *And be it further enacted*, That no goods, wares, or merchandise, subject to ad valorem duty, imported as aforesaid, and belonging to a person or persons not residing at the time in the United States, who may not have acquired the same in the ordinary mode of bargain and sale, or belonging to a person or persons who may be the manufacturer or manufacturers, in whole or in part, of the same, shall be admitted to entry, unless the invoice thereof be verified by the oath of the owner, or of one of the owners, certifying that the invoice contains a true and faithful account of the said goods, wares, or merchandise, at their fair market value at the time and place when and where the same were procured or manufactured, as the case may be, and of all charges thereon; and that the said invoice contains no discounts, bounties, or drawbacks, but such as have been actually allowed; which said oath shall have been

duly administered and authenticated in the mode prescribed in the seventh section of this act.*

* * * * * * *

AN ACT to prescribe the punishments of Consuls, Commercial Agents, and others, in certain cases. Approved March 3, 1835. [Statutes at Large, vol. iv, p. 773.]

772..*Be it enacted, &c.* That if any Consul, Vice-Consul, Commercial Agent, or Vice-Commercial Agent shall knowingly and falsely certify to any invoice, or other papers to which his certificate is by law authorized or required, he shall, on conviction thereof, in any court of competent jurisdiction, forfeit and pay a fine not exceeding ten thousand dollars, at the discretion of the court, and be imprisoned for a term not exceeding three years, at the like discretion.

AN ACT in addition to the several acts regulating the shipment and discharge of seamen, and the duties of Consuls. Approved July, 20, 1840. [Statutes at Large, vol. v, p. 394.]

773..*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, as follows :*

774..First. The duplicate list of the crew of any vessel bound on a foreign voyage, made out pursuant to the act of February twenty-eighth, eighteen hundred and three, shall be a fair copy in one uniform handwriting, without erasure or interlineation.

775..Second. It shall be the duty of the owners of every such vessel to obtain from the collector of the customs of the district from which the clearance is made, a true and certified copy of the shipping articles, containing the names of the crew, which shall be written in a uniform hand, without erasures or interlineations.

776..Third. These documents which shall be deemed to contain all the conditions of contract with the crew as to their service, pay, voyage, and all other things, shall be produced by the master, and laid before any Consul or other Commercial Agent of the United States, whenever he may deem their contents necessary to enable him to discharge the duties imposed upon him by law toward any mariner applying to him for his aid or assistance.

777..Fourth. All interlineations, erasures, or writing in a hand different from that in which such duplicates were originally made, shall be deemed fraudulent alterations, working no change in such papers, unless satisfactorily explained in a manner consistent with

* The seventh and eighth sections of this act have been modified or superseded by the seventeenth section of the act of July 14, 1862, (subsequently repealed,) the first section of the act of March 3, 1863, and the act of March 2, 1867; see Statutes at Large, vol. xii, pp. 558 and 737; and vol. xiv, p. 560.

innocent purposes and the provisions of law which guard the rights of mariners.*

* * * * * * *

778..Eighth. Whenever any master shall ship a mariner in a foreign port, he shall forthwith take the list of his crew and the duplicate of the shipping articles to the Consul, or person who discharges the duties of the office at that port, who shall make the proper entries thereon, setting forth the contract, and describing the person of the mariner; and thereupon the bond originally given for the return of the men shall embrace each person so shipped.

779..Ninth. When any mariner shall complain that the voyage is continued contrary to his agreement, or that he has fulfilled his contract, the Consul, or other Commercial Agent performing like duties may examine into the same by an inspection of the articles of agreement; and if on the face of them he finds the complaint to be well founded, he shall discharge the mariner, if he desires it, and require of the master an advance, beyond the lawful claims of such mariner, of three months' wages, as provided in the act of February twenty-eighth, eighteen hundred and three; and in case the lawful claims of such mariner are not paid upon his discharge, the arrears shall from that time bear an interest of twenty per centum: *Provided, however,* If the Consul or other Commercial Agent shall be satisfied the contract has expired, or the voyage been protracted by circumstances beyond the control of the master, and without any design on his part to violate the articles of shipment, then he may, if he deems it just, discharge the mariner without exacting the three months' additional pay.

780..Tenth. All shipments of seamen made contrary to the provisions of this and other acts of Congress shall be void; and any seaman so shipped may leave the service at any time, and demand the highest rate of wages paid to any seaman shipped for the voyage, or the sum agreed to be given him at his shipment.

781..Eleventh. It shall be the duty of Consuls and Commercial Agents to reclaim deserters and discountenance insurbordination by every means within their power; and where the local authorities can be usefully employed for that purpose, to lend their aid, and use their exertions to that end in the most effectual manner.

782..Twelfth. If the first officer, or any officer, and a majority of the crew of any vessel shall make complaint in writing that she is in an unsuitable condition to go to sea, because she is leaky, or insufficiently supplied with sails, rigging, anchors, or any other equipment, or that the crew is insufficient to man her, or that her provisions, store, and supplies are not, or have not been, during the voyage, sufficient and wholesome, thereupon, in any of these or like cases, the Consul or Commercial Agent who may discharge any

* The fifth, sixth, and seventh sections of this act are repealed by the thirty-third section of the act of August eighteen, eighteen hundred and fifty-six.

duties of a Consul shall appoint two disinterested, competent practical men, acquainted with maritime affairs, to examine into the causes of complaint, who shall in their report state what defects and deficiencies, if any, they find to be well founded, as well as what, in their judgment, ought to be done to put the vessel in order for the continuance of her voyage.*

783..Thirteenth. The inspectors so appointed shall have full power to examine the vessel and whatever is aboard of her, so far as is pertinent to their inquiry, and also to hear and receive any other proofs which the ends of justice may require; and if, upon a view of the whole proceedings, the Consul, or other Commercial Agent shall be satisfied therewith, he may approve the whole or any part of the report, and shall certify such approval, and if he dissents, shall also certify his reasons for so dissenting.

784..Fourteenth. The inspectors in their report shall also state whether, in their opinion, the vessel was sent to sea unsuitably provided in any important or essential particular, by neglect or design, or through mistake or accident; and in case it was by neglect or design, and the Consul or other Commercial Agent approves of such finding, he shall discharge such of the crew as require it, each of whom shall be entitled to three months' pay in addition to his wages to the time of discharge; but, if in the opinion of the inspectors the defects or deficiencies found to exist have been the result of mistake or accident, and could not, in the exercise of ordinary care, have been known and provided against before the sailing of the vessel, and the master shall, in a reasonable time, remove or remedy the causes of complaint, then the crew shall remain and discharge their duty; otherwise they shall, upon their request, be discharged, and receive each one month's wages in addition to the pay up to the time of discharge.

785..Fifteenth. The master shall pay all such reasonable charges in the premises as shall be officially certified to him under the hand of the Consul or other Commercial Agent; but in case the inspectors report that the complaint is without any good and sufficient cause, the master may retain from the wages of the complainants, in proportion to the pay of each, the amount of such charges, with such reasonable damages for detention on that account as the Consul or other Commercial Agent directing the inquiry may officially certify

786..Sixteenth. The crew of any vessel shall have the fullest liberty to lay their complaints before the Consul or Commercial Agent in any foreign port, and shall in no respect be restrained or hindered therein by the master or any officer, unless some sufficent and valid objection exist against their landing; in which case, if any mariner desire to see the Consul or Commercial Agent, it shall be the duty of the master to acquaint him with it forthwith; stating the reason why the mariner is not permitted to land, and that he is

* This section is modified by the sixth section of the act of July 29, 1850. Statutes at Large, vol. ix, p. 441.

desired to come on board; whereupon it shall be the duty of such Consul or Commercial Agent to repair on board and inquire into the causes of complaint, and to proceed thereon as this act directs.

787..Seventeenth. In all cases where deserters are apprehended, the Consul or Commercial Agent shall inquire into the facts; and, if satisfied that the desertion was caused by unusual or cruel treatment, the mariner shall be discharged, and receive, in addition to his wages to the time of the discharge, three months' pay; and the officer discharging him shall enter upon the crew list and shipping articles the cause of discharge, and the particulars in which the cruelty or unusual treatment consisted, and subscribe his name thereto officially.

788..Eighteenth. If any Consul or Commercial Agent shall neglect or omit to perform, seasonably, the duties hereby imposed upon him, or shall be guilty of any malversation or abuse of power, he shall be liable to any injured person for all damage occasioned thereby; and for all malversation and corrupt conduct in office, he shall be liable to indictment, and, on conviction by any court of competent jurisdiction, shall be fined not less than one nor more than ten thousand dollars, and be imprisoned not less than one nor more than five years.

789..Nineteenth. If any master of a vessel shall proceed on a foreign voyage without the documents herein required, or refuse to produce them when required, or to perform the duties imposed by this act, or shall violate the provisions thereof, he shall be liable to each and every individual injured thereby in damages, and shall, in addition thereto, be liable to pay a fine of one hundred dollars for each and every offense, to be recovered by any person suing therefor in any court of the United States in the district where such delinquent may reside or be found.

790..Twentieth. It shall be the duty of the boarding officer to report all violations of this act to the collector of the port where any vessel may arrive, and the collector shall report the same to the Secretary of the Treasury and to the attorney of the United States in his district.

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AN ACT requiring foreign regulations of commerce to be laid annually before Congress. Approved August 16, 1842. [Statutes at Large, vol. v, p. 507.]

791..*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall be the duty of the Secretary of State to lay before Congress, annually, at the commencement of its session, in a compendious form, all such changes and modifications in the commercial systems of other nations, whether by treaties, duties on imports and exports, or other regulations, as shall have come to the knowledge of the department.

CHAP. 270.—AN ACT to provide revenue from imports, and to change and modify existing laws imposing duties on imports, and for other purposes. Approved August 30, 1842. [Statutes at Large, vol. v, p. 548, sec. 16, p. 563.]

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792. SEC. 16. *And be it further enacted*, That in all cases where there is or shall be imposed any ad valorem rate of duty on any goods, wares, or merchandise, imported into the United States, and in all cases where the duty imposed shall by law be regulated by, or directed to be estimated or based upon, the value of the square yard, or of any specified quantity or parcel of such goods, wares, or merchandise, it shall be the duty of the collector within whose district the same shall be imported or entered to cause the actual market value or wholesale price thereof, at the time when purchased, in the principal markets of the country from which the same shall have been imported into the United States, or of the yards, parcels, or quantities, as the case may be, to be appraised, estimated, and ascertained, and to such value or price, to be ascertained in the manner provided in this act, shall be added all costs and charges, except insurance, and including, in every case, a charge for commissions at the usual rates as the true value at the port where the same may be entered upon which duties shall be assessed. And it shall, in every such case, be the duty of the appraisers of the United States, and every of them, and every person who shall act as such appraiser, or of the collector and naval officer, as the case may be, by all reasonable ways and means in his or their power, to ascertain, estimate, and appraise the true and actual market value and wholesale price, any invoice or affidavit thereto to the contrary notwithstanding, of the said goods, wares, and merchandise, at the time purchased, and in the principal markets of the country whence the same shall have been imported into the United States, and the number of such yards, parcels, or quantities, and such actual market value or wholesale price of every of them, as the case may require; and all such goods, wares, or merchandise, being manufactured of wool, or whereof wool shall be a component part, which shall be imported into the United States in an unfinished condition, shall, in every such appraisal, be taken, deemed, and estimated to have been at the time purchased, and place whence the same were imported into the United States, of as great value as if the same had been entirely finished: *Provided*, That in all cases where goods, wares, and merchandise, subject to ad valorem duty, or on which the duties are to be levied upon the value of the square yard, and in all cases where any specific quantity or parcel of such goods, wares, and merchandise, shall have been imported into the United States from a country in which the same have not been manufactured or produced, the foreign value shall be appraised and estimated according to the current market value or wholesale price of similar articles at the principal markets of the country of produc-

tion or manufacture, at the period of the exportation of said goods, wares, and merchandise to the United States.

* * * * * * *

AN ACT to amend the act entitled "An act to provide for the enlistment of boys for the naval service, and to extend the term of enlistment of seamen." Approved February 20, 1845. [Statutes at Large, vol. v, p. 725.]

793.. SEC. 2. *And beit further enacted*, That the commanding officer of any vessel, squadron or fleet of the navy of the United States, when upon the high seas, or in any foreign port where there is no resident Consul of the United States, shall be and is hereby authorized and empowered to exercise all the powers of a Consul in relation to mariners of the United States.

AN ACT to provide for the transportation of the mail between the United States and foreign countries, and for other purposes. Approved March 3, 1845. [Statutes at Large, vol. v, p. 748.]

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794.. SEC. 6. *And be it further enacted*, That the Postmaster General, or the Secretary of State, be, and he is hereby, authorized to empower the Consuls of the United States to pay the foreign postage of such letters, destined for the United States, as may be detained at the ports of foreign countries for the non-payment of postage; which postage shall be by the Consul marked as paid by him, and the amount thereof shall be collected in the United States, as other postage, on the delivery of the letters, and repaid to said Consul, or credited on his account at the State Department.

* * * * * * *

AN ACT to provide for recording the conveyances of vessels, and for other purposes. Approved July 29, 1850. [Statutes at Large, vol. ix, p. 440.]

795.. SEC. 6. *And be it further enacted*, That the twelfth clause or section of the act entitled "An act in addition to the several acts regulating the shipment and discharge of seamen, and the duties of Consuls," approved July twentieth, eighteen hundred and forty, be so amended, as that all complaints in writing to the Consuls or Commercial Agents as therein provided, that a vessel is unseaworthy, shall be signed by the first, or the second and third officers, and a majority of the crew, before the Consul or Commercial Agent shall be authorized to notice such complaint, or proceed to appoint inspectors as therein provided.

AN ACT to amend an act entitled "An act requiring foreign regulations of commerce to be laid annually before Congress," approved August sixteenth, eighteen hundred and forty-two, and for other purposes. Approved August 18, 1856. [Statutes at Large, vol. xi, p. 139.]

796.. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in addition to the changes and modifications in the commercial system of other nations, now required by said act, it shall be the duty of the Secretary of State to lay before Congress annually, within sixty days after the commencement of each ordinary session, as a part of said report, all other commercial information communicated to the State Department by Consular and Diplomatic Agents of this government abroad, or contained in the official publications of other governments, which he shall deem sufficiently important.

797.. SEC. 2. *And be it further enacted*, That to enable the Secretary of State to make said report, it is hereby declared to be the duty of Consuls and Commercial Agents of the United States in foreign countries, to procure and transmit to the Department of State authentic commercial information respecting said countries, of such character, and in such manner and form, and at such times, as said Department may, from time to time prescribe; and it shall be the duty of the Secretary of State in said annual report, to specify the names of any of said officers who may have been remiss in their duty enjoined by this act.

AN ACT to regulate the diplomatic and consular systems of the United States Approved August 18, 1856. [Statutes at Large, vol. xi, p. 52.]

798.. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That Ambassadors, Envoys Extraordinary and Ministers Plenipotentiary, Ministers Resident, Commissioners, Chargés d'Affaires, and Secretaries of Legation, appointed to the countries hereinafter named in Schedule A, shall be entitled to compensation for their services, respectively, at the rates per annum hereinafter specified; that is to say, Ambassadors and Envoys Extraordinary and Ministers Plenipotentiary, the full amounts specified therefor in said Schedule A; Ministers Resident and Commissioners, seventy-five per centum; Chargés d'Affaires, fifty per centum; and Secretaries of Legation, fifteen per centum, of the said amounts, respectively: *Provided*, That the compensation of the Secretary of the Legation to China, acting as Interpreter, shall be at the rate of five thousand dollars, and if not acting as such, at the rate of three thousand dollars; and that of the Secretary of Legation to Turkey, acting as Dragoman, at the rate of three thousand dollars, and if not acting as such, at the rate of two thousand dollars, per annum.

SCHEDULE A.

Great Britain and France, each seventeen thousand five hundred dollars.

Russia, Spain, Austria, Prussia, Brazil, Mexico, and China, each twelve thousand dollars.

All other countries, each ten thousand dollars.*

799..SEC. 2. *And be it further enacted*, That the President be, and is hereby, authorized to appoint for the Legations at London and Paris, respectively, an Assistant Secretary of Legation, who shall be entitled to compensation for their services, respectively, at the rate of fifteen hundred dollars per annum; for the Legation to China, an Interpreter, when the Secretary of Legation shall not be acting as such, who shall be entitled to compensation at the rate of five thousand dollars; and for the legation to Turkey, a Dragoman, when the Secretary of Legation shall not be acting as such, who shall be entitled to compensation at the rate of one thousand dollars per annum.

800..SEC. 3. *And be it further enacted*, That Consuls General, Consuls, and Commercial Agents appointed to the ports and places hereinafter specified in Schedules B and C, shall be entitled to compensation for their services, respectively, at the rates per annum hereinafter specified in said Schedules B and C; and if the President shall think proper to appoint a Consul to any port or place named in the said Schedules B and C for a Commercial Agent, instead of such Commercial Agent, or *vice versa*, and an appointment shall be made accordingly, the compensation for such Consular Officer shall be the same in any such case as that fixed for such port or place in the schedule embracing the same; and if he shall think the public interests will be subserved by appointing to any such port or place a Consul General instead of a Consul or Commercial Agent, and an appointment shall be made accordingly, the compensation for such Consul General shall be the same as that fixed for such port or place in the schedule embracing the same.

SCHEDULE B.

I.—CONSULS GENERAL.

British North America.

Quebec, four thousand dollars.

British India.

Calcutta, five thousand dollars.

* The provisions of this section are somewhat modified by the fourth section of the act of July 25, 1866. [Statutes at Large, vol, xiv, p. 226.]

Egypt.

Alexandria, three thousand five hundred dollars.*

Japan.

Simoda, five thousand dollars.

Cuba.

Havana, six thousand dollars.

Turkey.

Constantinople, three thousand dollars.

Hanseatic and Free Cities.

Frankfort-on-the-Main, three thousand dollars.

II.—CONSULS.†

Great Britain.

Liverpool and London, each seven thousand five hundred dollars.
Melbourne, four thousand dollars.
Hong-Kong, three thousand five hundred dollars.
Glasgow, three thousand dollars.
Mauritius and Singapore, each two thousand five hundred dollars.
Belfast, Cork, Dundee, Demerara, Halifax, Kingston, (Jamaica,) Leeds, Manchester, Nassau, (New Providence,) Southampton, and Turk's Island, each two thousand dollars. Prince Edward's Island, one thousand dollars.

France.

Havre, six thousand dollars.
Paris, five thousand dollars.
Marseilles, two thousand five hundred dollars.
Bordeaux, two thousand dollars.
La Rochelle and Lyons, each one thousand five hundred dollars.

Russia.

Moscow, Odessa, Revel, and St. Petersburg, each two thousand dollars.

Spain.

Matanzas, Trinidad de Cuba, and Santiago de Cuba, each two thousand five hundred dollars.
San Juan, (Porto Rico,) two thousand dollars.

* The title of this officer is changed by the first section of the act of June 20, 1864. [Statutes at Large, vol. xiii, p. 138.]

† Since the passage of this act in 1856, (Statutes at large, vol. xii, p. 336,) several additional Consular Offices have been created by law, which will be found enumerated in the acts making annual appropriations for the diplomatic and consular expenses of the government.

Cadiz, Malaga, and Ponce, (Porto Rico,) each one thousand five hundred dollars.

Austria.

Trieste, two thousand dollars.
Vienna, one thousand five hundred dollars.

Prussia.

Aix-la-Chapelle, two thousand five hundred dollars.

China.

Canton and Shanghai, each four thousand dollars.
Fouchou, three thousand five hundred dollars.
Amoy and Ningpo, each three thousand dollars.

Turkey.

Beirut and Smyrna, each two thousand dollars.
Jerusalem, one thousand five hundred dollars.

Netherlands.

Rotterdam, two thousand dollars.
Amsterdam, one thousand dollars.

Belgium.

Antwerp, two thousand five hundred dollars.

Portugal.

Funchal and Oporto, each one thousand five hundred dollars.

Denmark.

St. Thomas, four thousand dollars.
Elsinore, one thousand five hundred dollars.

Sardinia.

Genoa, one thousand five hundred dollars.

Switzerland.

Basle, two thousand dollars.
Geneva, one thousand five hundred dollars.

Sicilies.

Messina, Naples, and Palermo, each one thousand five hundred dollars.

Saxony.

Leipsic, one thousand five hundred dollars.

Bavaria.

Munich, one thousand dollars.

Tuscany.

Leghorn, one thousand five hundred dollars.

Würtemberg.

Stuttgardt, one thousand dollars.

Hanseatic and Free Cities.

Bremen and Hamburg, each two thousand dollars.*

Barbary States.

Tangier, Tripoli, and Tunis, each three thousand dollars.

Brazil.

Rio de Janeiro, six thousand dollars.
Pernambuco, two thousand dollars.

Mexico.

Vera Cruz, three thousand five hundred dollars.
Acapulco, two thousand dollars.

Peru.

Callao, three thousand five hundred dollars.

Chili.

Valparaiso, three thousand dollars.

Buenos Ayres.

Buenos Ayres, two thousand dollars.

Nicaragua.

San Juan del Sur, two thousand dollars.

New Granada.

Aspinwall, two thousand five hundred dollars.
Panama, three thousand five hundred dollars.

Venezuela.

Laguayra, one thousand five hundred dollars.

Sandwich Islands.

Honolulu, four thousand dollars.
Lahaina, three thousand dollars.

III.—COMMERCIAL AGENTS.

Nicaragua.

San Juan del Norte, two thousand dollars.

San Domingo, (island.)

Port-au-Prince, two thousand dollars.
San Domingo, (city,) one thousand five hundred dollars.

* By the act of February 4, 1862, the compensation of the Consul at Bremen was increased to three thousand dollars. [Statutes at Large, vol. xii, p. 336.]

SCHEDULE C.

I.—CONSULS.

Great Britain.

Capetown and Falkland Islands, each one thousand dollars.

Austria.

Venice, seven hundred and fifty dollars.

Prussia.

Stettin, one thousand dollars.

Turkey.

Candia and Cyprus, each one thousand dollars.

Netherlands.

Batavia, one thousand dollars.

Portugal.

Fayal and Santiago, (Cape de Verde,) each seven hundred and fifty dollars.

Denmark.

Saint Croix, seven hundred and fifty dollars.

Sardinia.

Spezzia, one thousand dollars.

Greece.

Athens, one thousand dollars.

Muscat.

Zanzibar, one thousand dollars.

Brazil.

Bahia, Maranham Island, Para, and Rio Grande, each one thousand dollars.

Mexico.

Matamoras, Mexico, (city,) and Tampico, each one thousand dollars.

Paso del Norte and Tabasco, each five hundred dollars.

Peru.

Paita and Tumbez, each five hundred dollars.

Chili.

Talcahuano, one thousand dollars.

New Granada.

Carthagena and Sabanillo, each five hundred dollars.

Honduras.

Omoa, one thousand dollars.

Ecuador.

Guayaquil, seven hundred and fifty dollars.

Bolivia.

Cobija, five hundred dollars.

Uruguay.

Montevideo, one thousand dollars.

Society Islands.

Tahiti, one thousand dollars.

New Zealand.

Bay of Islands, one thousand dollars.

Navigators' Islands.

Apia, one thousand dollars.

Fejee Islands.

Lanthala, one thousand dollars.

II.—COMMERCIAL AGENTS.

Portugal.

St. Paul de Loanda, (Angola,) one thousand dollars.

Liberia.

Monrovia and Gaboon, each one thousand dollars.

San Domingo, (island.)

Caye Haytien, one thousand dollars.
Aux Cayes, five hundred dollars.

Russia in Asia.

Amoor River, one thousand dollars.

801. SEC. 4. *And be it further enacted,* That Consuls General, Consuls, and Commercial Agents, not embraced in Schedules B and C, shall be entitled, as compensation for their services, to such fees as they may collect in pursuance of the provisions of this act, respectively.*

* The compensation of Consuls and Commercial Agents, not included in Schedules B and C, has been modified by the provisions of the act of July 25, 1866. Statutes at Large, vol. xii, p. 226.

802..SEC. 5. *And be it further enacted*, That no Consul General, Consul, or Commercial Agent, embraced in Schedule B, shall, while he holds his office, be interested in or transact any business as a merchant, factor, broker, or other trader, or as a clerk or other agent for any such person, to, from, or within the port, place, or limits of his consulate, or commercial agency, directly or indirectly, either in his own name or in the name or through the agency of any other person; and if appointed after this act shall take effect, he shall, in his official bond, stipulate, as a condition thereof, not to violate this prohibition; and if appointed before, and retained in office after this act shall take effect, he shall, within such reasonable time as the President shall prescribe, enter into a new official bond with such stipulation as a condition thereof; and if any such Consul General, Consul, or Commercial Agent, shall violate such prohibition, he shall be liable to a penalty therefor, for the use of the United States, equal in amount to the annual compensation specified for him in said Schedule B, which may be recovered in an action of debt at the suit of the United States, either directly for the penalty, as such, against such Consul General, or Consul, or Commercial Agent, or upon his official bond, as liquidated damages, for the breach of such condition, against such Consul General, Consul, or Commercial Agent, and his sureties, or any one or more of them; and in every such case all such actions shall be open to the United States for the collection of such penalty till the same shall be collected in some one of such actions; and every such penalty, when collected, shall be paid into the Treasury of the United States; and such prohibition shall be applicable to all Consuls General, but not to any Consul or Commercial Agent not embraced in said Schedule B, except as hereinafter authorized, unless otherwise expressly provided by law.

803..SEC. 6. *And be it further enacted*, That the President be, and is hereby authorized to appoint three interpreters of the Chinese language, who shall be entitled to compensation for their services, respectively, at a rate not to exceed fifteen hundred dollars per annum, to be determined by the President, and to assign such interpeters, from time to time, to such Consulates in China, and with such duties as he may think proper.

804..SEC. 7. *And be it further enacted*, That the President be, and is hereby authorized, whenever he shall think the public good will be promoted thereby, to appoint Consular Pupils, not to exceed twenty-five in number at any one time, who shall be citizens of the United States, and entitled to compensation for their services, respectively, at a rate not to exceed one thousand dollars per annum, to be determined by the President; and to assign such pupils, from time to time, to such Consulates, and with such duties as he may [think] proper; and before the appointment of any such pupil shall be made, satisfactory evidence, by examination or otherwise, shall

be furnished of his qualifications and fitness for the office to the Secretary of State, and by him laid before the President.*

805..SEC. 8. *And be it further enacted*, That no person appointed, after this act shall take effect, to any such office as is mentioned in the first, second, third, sixth, or seventh sections of this act, shall be entitled to compensation for his services therein, except from the time when he shall reach his post and enter upon his official duties, to the time when he shall cease to hold such office, and for such time as shall be actually and necessarily occupied in receiving his instructions, not to exceed thirty days, and in making the transit between the place of his residence, when appointed and his post of duty, at the commencement and termination of the period of his official service, for which he shall in all cases be allowed and paid, except as hereinafter mentioned; and no person shall be deemed to hold any such office after his successor shall be appointed and actually enter upon the duties of his office at his post of duty, nor after his official residence at such post shall have terminated if not so relieved; but no such allowance or payment shall be made to any Consul General, Consul, or Commercial Agent, contemplated by the fourth section of this act, or to any Vice-Consul, Vice-Commercial Agent, Deputy Consul, or Consular Agent, for the time so occupied in receiving instructions or in such transit as aforesaid; nor shall any such officer as is referred to in this section, be allowed compensation for the time so occupied in such transit, at the termination of the period of his official service, if he shall have resigned or been recalled therefrom for any malfeasance in his office.

806..SEC. 9. *And be it further enacted*, That when to any diplomatic office held by any person there shall be superadded another, such person shall be allowed additional compensation for his services, in such superadded office, at the rate of fifty per centum of the amount allowed by this act for such superadded office, and such superadded office shall be deemed to continue during the time to which it is limited by the terms thereof, and for such time as shall be actually and necessarily occupied in making the transit between the two posts of duty, at the commencement and termination of the period of such superadded office so limited, and no longer.

807..SEC. 10. *And be it further enacted*, That for such time as any Secretary of Legation shall be lawfully authorized to act as Chargé d'Affaires *ad interim* at the post to which he shall have been appointed, he shall be entitled to receive compensation at the rate allowed by this act for a Chargé d'Affaires at such post; but he shall not be entitled to receive, for such time, the compensation allowed for his services as Secretary of Legation.

808..SEC. 11. *And be it further enacted*, That for such time as any Consular Officer shall be authorized, pursuant to the provisions of

* Repealed February 7, 1857, and the appointment of Consular clerks authorized June 20, 1864. Statutes at Large, vol. xi, p. 160, and vol. xiii, pp. 139, 140.

this act, to perform diplomatic functions, in the absence of the regular diplomatic officer in the country to which he shall be appointed, he shall be entitled, in addition to his compensation as such Consular Officer, to receive compensation for his services while so authorized, at the rate allowed by this act for a Secretary of Legation in such country.

809.. SEC. 12. *And be it further enacted*, That no Consular Officer shall exercise diplomatic functions, or hold any diplomatic correspondence or relation on the part of the United States, in, with, or to the government or the country to which he shall be appointed, or any other country or government, when there shall be in such country any officer of the United States authorized to perform diplomatic functions therein, nor in any case, unless expressly authorized by the President so to do.

810.. SEC. 13. *And be it further enacted*, That every Consul General, Consul, and Commercial Agent, appointed before and retained in office after this act shall take effect, shall, without unnecessary delay, and every such officer, appointed after this act shall take effect shall, before he receives his commission or enters upon the duties of his office, enter into a bond to the United States, with such sureties, who shall be permanent residents of the United States, as the Secretary of State shall approve, in a penal sum not less than one thousand dollars nor more than ten thousand dollars, and in such form as the President shall prescribe, conditioned for the true and faithful accounting for, paying over, and delivering up of all fees, moneys, goods, effects, books, records, papers, and other property which shall come to his hands, or to the hands of any other person to his use as such Consul General, Consul, or Commercial Agent, under any law now or hereafter enacted: and for the true and faithful performance of all other duties now or hereafter lawfully imposed upon him as such Consul General, Consul, or Commercial Agent; and in the cases of Consuls General, Consuls, and Commercial Agents embraced in Schedule B, such bond shall contain, by way of further condition, the stipulation required by the fifth section of this act; and all such bonds shall be deposited with the Secretary of the Treasury; and in no case shall the penalty of such bond be less than the annual compensation allowed to the officer entering into such bond; and the President shall be authorized to require a new or additional bond from any such Consul General, Consul, or Commercial Agent, in like form and in such penalty, within the limits aforesaid, in amount, as he shall prescribe, whenever, in his opinion, the public good shall require it.

811.. SEC. 14. *And be it further enacted*, That the President be, and he is hereby, authorized to define the extent of country to be embraced within any Consulate or Commercial Agency, and to provide for the appointment of Vice-Consuls, Vice-Commercial Agents, Deputy Consuls, and Consular Agents therein, in such manner and under such regulations as he shall deem proper; but no compensation shall

be allowed for the services of any such Vice-Consul or Vice-Commercial Agent, beyond nor except out of the allowance made by this act for the principal Consular Officer in whose place such appointment shall be made; and no Vice-Consul, Vice-Commercial Agent, Deputy Consul, or Consular Agent shall be appointed otherwise than in such manner and under such regulations as the President shall prescribe, pursuant to the provisions of this act.

812.. SEC. 15. *And be it further enacted*, That every Vice-Consul and Vice-Commercial Agent shall be entitled, as compensation for his services as such, to the whole or so much of the compensation of the principal Consular Officer, in whose place he shall be appointed, as shall be determined by the President; and the residue, if any, shall be paid to such principal Consular Officer; and every Consular Agent shall be entitled, as compensation for his services, to such fees as he may collect in pursuance of the provisions of this act, or so much thereof as shall be determined by the President; and the principal officer of the Consulate or Commercial Agency within the limits of which such Consular Agent shall be appointed shall be entitled to the residue, if any, in addition to any other compensation allowed him by this act for his services therein; and the President shall have power to subject any Consul or Commercial Agent contemplated by the fourth section of this act, and any Vice-Consul, Vice-Commercial Agent, Deputy Consul, or Consular Agent, to the prohibition as to trade contained in the fifth section of this act, and to require from any of them such bond as is provided for by the thirteenth section of this act, whenever he shall think the public interests will be promoted thereby.

813.. SEC. 16. *And be it further enacted*, That the President be, and he is hereby, authorized to prescribe, from time to time, the rates or tariffs of fees to be charged for official services, and to designate what shall be regarded as official services, besides such as are expressly declared by law, in the business of the several Legations, Consulates, and Commercial Agencies, and to adapt the same, by such differences as may be necessary or proper, to each Legation, Consulate, or Commercial Agency, and such rates or tariffs shall be reported annually to Congress; and it shall be the duty of all officers and persons connected with such Legations, Consulates, or Commercial Agencies to collect for such official services such and only such fees as may be prescribed for their respective Legations, Consulates, and Commercial Agencies; and it shall be the duty of the collectors of the several districts, whenever any clearance is granted to any ship or vessel of the United States, duly registered as such, and bound on any foreign voyage, to annex thereto, in every case, a copy of the rates or tariffs of fees which shall be allowed in pursuance of the provisions of this act, and then in force; and it shall be the duty of all Consular Officers at all times to keep up in their offices, respectively, a copy of such rates or tariffs as shall be in force, in a

conspicuous place, and subject to the examination of all persons interested therein.

814. SEC. 17. *And be it further enacted*, That it shall be the duty of all Consular Officers to give receipts for all fees which shall be collected for their official services respectively, expressing the particular services for which the same were collected; and if any such Consular Officer shall collect, or knowingly allow to be collected for any such service, any other or greater fees than such as shall be allowed pursuant to the provisions of this act for such service, he shall, besides his liability to refund the same, be liable to pay to the person by whom or in whose behalf the same shall be paid, treble the amount of said unlawful charge so collected, as a penalty therefor, to be recovered by such person, in any proper form of action, to and for the use of such person, besides costs of suit. And in any such case the Secretary of the Treasury is hereby authorized to retain, out of the compensation of such officer, the amount of such overcharge, and of such penalty, and charge the same to such Officer in account, and thereupon to refund such unlawful charge, and pay such penalty to the person entitled to the same if he shall think proper so to do.

815. SEC. 18. *And be it further enacted*, That all fees collected at any of the Legations, or by the Consuls General, Consuls, and Commercial Agents mentioned in Schedules B and C, and by Vice-Consuls and Vice-Commercial Agents appointed to perform their duties, or by any other persons in their behalf, shall be accounted for to the Secretary of the Treasury, and held subject to his draft or other directions. And all such Consuls General, Consuls, Commercial Agents, and Consular Agents, as are allowed for their compensation the whole or any part of the fees which they may collect pursuant to the provisions of this act, and all Vice-Consuls and Vice-Commercial Agents appointed to perform the duties of said Consuls General, Consuls, and Commercial Agents, as are allowed for their compensation the whole or any part of such fees as aforesaid, shall make returns of all such fees as they or any other persons in their behalf shall so collect, in such manner as the Secretary of State shall prescribe; and all such fees as shall be so collected, accounted for and reported, shall be reported annually to Congress, with the report of the rates or tariffs of fees required by the seventeenth section of this act, with a full list of all consular officers: and if any Consul General, Consul, or Commercial Agent, mentioned in Schedules B and C, or any Vice-Consul, or Vice-Commercial Agent appointed to perform the duty of any such officer mentioned in said Schedules B and C, shall omit to collect any fees which he shall be entitled to charge, pursuant to the provisions of this act, for any official service, he shall be liable to the United States therefor, as though he had collected the same, unless, upon good cause shown therefor, the Secretary of the Treasury shall think proper to remit the same; and every Consular Officer shall number all

receipts given by him for fees received for official services in the order of their dates, beginning with number one at the commencement of the period of his service, and on the first day of January in every year thereafter. And he shall keep a book, in which he shall register all fees so received by him, in the order in which they shall be received, specifying in such register each item of service and the amount received therefor, from whom, and the dates when received, and if for any service connected with any ship or vessel, the name thereof, and indicating what items and amounts are embraced in each receipt given by him therefor, and numbering the same according to the number of the receipts respectively, so that the receipts and register shall correspond with each other; and he shall, in such register, specify the name of the person for whom and the date when he shall grant, issue, or verify any passport, certify any invoice, or perform any other official service in the entry of the receipt of the fees therefor, and also number each consular act so receipted for with the number of such receipt, and as shown by such register. And it shall be the duty of all owners, agents, consignees, masters and commanders of ships and vessels to whom any receipt for fees shall be given by any Consular Officer, to furnish a copy thereof to the Collector of the district in which such ships and vessels shall first arrive on their return to the United States. And it shall be the duty of every collector to forward to the Secretary of the Treasury all such copies of receipts as shall have been so furnished to him, and also a statement of all certified invoices which shall come to his office, giving the dates of the certificate, and the names of the persons for whom, and of the Consular Officers by whom the same were certified; and every Consular Officer, in rendering his account or report of fees received, shall furnish a full transcript of the register which he is hereby required to keep, under oath or affirmation that the same is true and correct, and that the same contains a full and accurate statement of all fees received by him, or for his use, for his official services as such Consular Officer, to the best of his knowledge, during the period for which the same shall purport to be rendered, and that such oath or affirmation may be taken before any person having authority to administer oaths and affirmations at the port or place where such Consular Officer is located. And if any such Consular Officer shall willfully and corruptly commit perjury, in any such oath or affirmation, within the intent and meaning of any act of Congress now or hereafter made, he may be charged, proceeded against, tried, and convicted, and dealt with in the same manner, in all respects, as if such offense had been committed in the United States, before any officer duly authorized therein to administer or take such oath or affirmation, and shall be subject to the same punishment and disability therefor as are or shall be prescribed by any such act for such offense.

816. SEC. 19. *And be it further enacted*, That no such officer as is

mentioned in the first, second, third, fourth, sixth or seventh sections of this act shall, nor shall any Consular Agent, be absent from his post, or the performance of his duties for a longer period than ten days at any one time, without the permission previously obtained of the President. And no compensation shall be allowed for the time of any such absence in any case, except cases of sickness; nor shall any Diplomatic or Consular Officer correspond in regard to the public affairs of any foreign government with any private person, newspaper, or other periodical, or otherwise than with the proper officers of the United States, nor recommend any person, at home or abroad, for any employment of trust or profit under the government of the country in which he is located; nor ask or accept, for himself or any other person, any present, emolument, pecuniary favor, office, or title of any kind, from any such government.

817..SEC. 20. *And be it further enacted*, That the compensation provided by this act shall be in full for all the services and personal expenses which shall be rendered or incurred by the Officers or persons respectively for whom such compensation is provided, of whatever nature or kind such services or personal expenses may be, or by whatever treaty, law, or instructions such services or personal expenses so rendered or incurred are or shall be required; and no allowance, other than such as is provided by this act, shall be made in any case for the outfit or return home of any such officer or person; and no Consular Officer shall, nor shall any person under any Consular Officer, make any charge or receive, directly or indirectly, any compensation, by way of commission or otherwise, for receiving or disbursing the wages or extra wages to which any seaman or mariner shall be entitled who shall be discharged in any foreign country, or for any money advanced to any such seaman or mariner who shall seek relief from any Consulate or Commercial Agency; nor shall any Consular Officer, or any person under any Consular Officer, be interested, directly or indirectly, in any profit derived from clothing, boarding, or otherwise supplying or sending home any such seaman or mariner: *Provided*, That such prohibition as to profit shall not be construed to relieve or prevent any such Officer who shall be the owner or otherwise interested in any ship or vessel of the United States from transporting in such ship or vessel any such seaman or mariner, or from receiving or being interested in such reasonable allowance as may be made for such transportation, under and by virtue of the fourth section of the act entitled "An act supplementary to the act concerning Consuls and Vice-Consuls, and for the further protection of American seamen," approved February twenty-eighth, eighteen hundred and three.

818..SEC. 21. *And be it further enacted*, That no compensation provided by this act for any such Officer as is mentioned in the first section of this act, or for any Assistant Secretary of Legation, or for any such Officer as is mentioned in Schedules B and C of the

third section of this act, or any appropriation therefor, shall be applicable to the payment of the compensation of any person appointed to or holding any such office, after this act shall take effect, who shall not be a citizen of the United States; nor shall any other compensation be allowed in any such case.

819. SEC. 22. *And be it further enacted*, That the President be, and is hereby, authorized to provide at the public expense, all such stationery, blanks, record and other books, seals, presses, flags, and signs, as he shall think necessary for the several Legations, Consulates, and Commercial Agencies in the transaction of their business; and whenever he shall think there is sufficient reason therefor, to allow Consuls General, Consuls, and Commercial Agents, who are not allowed to trade, actual expenses of office rent, not to exceed, in any case, ten per centum of the amount of the annual compensation allowed to such Officer, and to prescribe such regulations, and make and issue such orders and instructions, not inconsistent with the Constitution or any law of the United States, in relation to the duties of all Diplomatic and Consular Officers, the transaction of their business, the rendering of accounts and returns, the payment of compensation, the safe-keeping of the archives, and public property in the hands of all such Officers, the communication of information, and the procurement and transmission of the products of the arts, sciences, manufactures, agriculture, and commerce, from time to time, as he may think conducive to the public interests; and it shall be the duty of all such Officers to conform to such regulations, orders, and instructions. And it shall be the duty of the Secretary of State to publish official notifications, from time to time, of such commercial information communicated to him by such Diplomatic and Consular Officers, as he may deem important to the public interests, in such newspapers, not to exceed three in number, as he may select, and to report to Congress, at least once in each year, a synopsis of so much of the information on all subjects which shall be so communicated to him as he may deem valuable for public information.

820. SEC. 23. *And be it further enacted*, That the Secretary of State shall be authorized to grant and issue passports, and cause passports to be granted, issued, and verified in foreign countries by such Diplomatic or Consular Officers of the United States, and under such rules as the President shall designate and prescribe for and on behalf of the United States; and no other person shall grant, issue, or verify any such passport; nor shall any passport be granted or issued to or verified for any other persons than citizens of the United States; nor shall any charge be made for granting, issuing, or verifying any passports, except in a foreign country, and in any case the fee allowed (for verification) therefor shall not exceed the sum of one dollar, nor shall any such charge be made for more than one such verification in any foreign country; and if any person acting, or claiming to act, in any office or capacity under the United States,

or any of the States of the United States, who shall not be lawfully authorized so to do, shall grant, issue, or verify any passport, or other instrument in the nature of a passport, to or for any citizen of the United States, or to or for any person claiming to be or designated as such in such passport or verification, or if any Consular Officer who shall be authorized to grant, issue, or verify passports, shall knowingly and willfully grant, issue, or verify any such passport to or for any person not a citizen of the United States, the person so offending shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof shall be imprisoned not exceeding one year, or fined in a sum not to exceed five hundred dollars, or both, and may be charged, proceeded against, tried, convicted, and dealt with therefor in the district where he may be arrested or in custody; and it shall be the duty of all persons who shall be authorized, pursuant to the provisions of this act, to grant, issue, or verify passports, to make return of the same to the Secretary of State in such manner and as often as he shall require; and such returns shall specify the names and all other particulars of the persons to whom the same shall be granted, issued, or verified, as embraced in such passport: *Provided*, That in any country where a legation of the United States is established, no person other than the diplomatic representative of the United States, at such place shall be permitted to grant or issue any passport, except in the absence therefrom of such representative.

821.. SEC. 24. *And be it further enacted*, That every Secretary of Legation and Consular Officer is hereby authorized, whenever he shall be required or may deem it necessary or proper so to do, at the post, port, place, or within the limits of his Legation, Consulate, or Commercial Agency, to administer to or take from any person an oath, affirmation, affidavit, or deposition, and also to perform any notarial act or acts such as any notary public is required or authorized by law to do or perform within the United States; and every such oath, affirmation, affidavit, deposition, and notarial act administered, sworn, affirmed, taken, had, or done, by or before any such officer, when certified under his hand and seal of office, shall be as good, valid, effectual, and of like force and effect within the United States, to all intents and purposes, as if such oath, affirmation, affidavit, deposition, or notarial act had been administered, sworn, affirmed, taken, had, or done, by or before any other person within the United States duly authorized and competent thereto; and if any person shall willfully and corruptly commit perjury, or by any means procure any person to commit perjury in any such oath, affirmation, affidavit, or deposition, within the intent and meaning of any act of Congress now or hereafter made, such offender may be charged, proceeded against, tried, convicted, and dealt with in any district of the United States in the same manner, in all respects, as if such offense had been committed in the United States before any officer duly authorized therein to administer or take such oath,

affirmation, affidavit, or deposition, and shall be subject to the same punishment and disability therefor as are or shall be prescribed by any such act for such offense; and any document purporting to have affixed, impressed or subscribed thereto or thereon the seal and signature of the officer administering or taking the same in testimony thereof, shall be admitted in evidence without proof of any such seal or signature being genuine or of the official character of such person; and if any person shall forge any such seal or signature, or shall tender in evidence any such document with a false or counterfeit seal or signature thereto, knowing the same to be false or counterfeit, he shall be deemed and taken to be guilty of a misdemeanor, and on conviction shall be imprisoned not exceeding three years nor less than one year, and fined in a sum not to exceed three thousand dollars, and may be charged, proceeded against, tried, convicted, and dealt with, therefor, in the district where he may be arrested or in custody.

822.. SEC. 25. *And be it further enacted*, That whenever any seaman or mariner of any vessel of the United States shall desert such vessel, the master or commander of such vessel shall note the fact and date of such desertion on the list of the crew, and the same shall be officially authenticated at the port or place of the Consulate or Commercial Agency first visited by such vessel after such desertion, if such desertion shall have occurred in a foreign country, or if in such case such vessel shall not visit any place where there shall be any Consulate or Commercial Agency before her return to the United States, or the desertion shall have occurred in this country, the fact and time of such desertion shall be officially authenticated before a notary public immediately at the first port or place where such vessel shall arrive after such desertion; and all wages that may be due to such seaman or mariner, and whatever interest he may have in the cargo of such vessel, shall be forfeited to and become the property of the United States, and paid over for their use to the Collector of the port where the crew of such vessel are accounted for, as soon as the same can be ascertained; first deducting therefrom any expense which may necessarily have been incurred on account of such vessel in consequence of such desertion; and in settling the account of such wages or interest no allowance or deduction shall be made, except for moneys actually paid, or goods at a fair price supplied, or expenses incurred to, or for such seaman or mariner, any receipt, or voucher, from, or arrangement with such seaman or mariner, to the contrary notwithstanding.

823.. SEC. 26. *And be it further enacted*, That upon the application of any seaman or mariner for a discharge, if it shall appear to the Consular Officer that he is entitled to his discharge under any act of Congress, or according to the general principles or usages of maritime law, as recognized in the United States, he shall discharge such seaman or mariner, and shall require from the master or commander of the ship or vessel from which such discharge shall be made, the

payment of three months' extra wages, as provided by the act hereinbefore mentioned, approved February twenty-eighth, eighteen hundred and three; and it shall be the duty of such master or commander to pay the same, and no such payment or any part thereof shall be remitted in any case, except such as are mentioned in the proviso of the ninth clause of the act entitled "An act in addition to the several acts regulating the shipment and discharge of seamen and the duties of Consuls," approved July twentieth, eighteen hundred and forty, and as hereinafter provided, and the extra wages required to be paid by the said ninth clause of the last hereinbefore mentioned act, and by this section, shall be applicable to the same purposes and in the same manner as is directed by the said act, approved February twenty-eighth, eighteen hundred and three, in regard to the extra wages required to be paid thereby; and if any consular officer, when discharging any seaman or mariner, shall neglect to require the payment of, and collect the extra wages required, to be paid in the case of the discharge of any seaman or mariner, by either of the said acts, as far as they shall remain in force under this act, or by this act, he shall be accountable to the United States for the full amount of their share of such wages, and to such seaman or mariner to the full amount of his share thereof; and if any seaman or mariner shall, after his discharge, have incurred any expense for board or other necessaries at the port or place of his discharge before shipping again, such expense shall be paid out of the share of the three months' wages to which he shall be entitled, which shall be retained for that purpose, and the balance only paid over to him: *Provided, however*, That in cases of wrecked or stranded ships or vessels, or ships or vessels condemned as unfit for service, no payment of extra wages shall be required.

824.. SEC. 27. *And be it further enacted*, That every Consular Officer shall keep a detailed list of all seamen and mariners shipped and discharged by him, specifying their names and the names of the vessels, on and from which they shall be shipped and discharged, and the payments, if any, made on account of each so discharged, and also of the number of the vessels arrived and departed, and the amounts of their registered tonnage, and the number of their seamen and mariners, and of those who are protected, and whether citizens of the United States or not, and as nearly as possible the nature and value of their cargoes, and where produced, and make returns of the same, with their accounts and other returns, to the Secretary of the Treasury; and no consular officer shall certify any invoice unless he shall be satisfied that the person making the oath or affirmation thereto is the person he represents himself to be, that he is a credible person, and that the statements made under such oath or affirmation are true; and he shall, thereupon, by his certificate, state that he was so satisfied; and it shall be the duty of every Consular Officer to furnish to the Secretary of the Treasury, as often as shall be required, the prices current of all articles of merchandise usually

exported to the United States from the port or place in which he shall be located.

825..SEC. 28. *And be it further enacted*, That it shall be the duty of every master and commander of a ship or vessel of the United States, whenever he shall have occasion for any Consular or other official service which any Consular Officer of the United States shall be authorized by law or usage officially to perform, and for which any fees shall be allowed by the said rates or tariffs of fees as aforesaid, to apply to such one of the said Officers as may then be officially located at the Consulate or Commercial Agency, if any there be where such service shall be required, to perform such service, and such master or commander shall pay to such Officer such fees as shall be allowed for such service in pursuance of the provisions of this act; and if any such master or commander shall omit so to do, he shall be liable to the United States for the amount of the fees lawfully chargeable for such services, as though the said services had been performed by such Officers; and all Consular Officers are hereby authorized and required to retain in their possession all the papers of such ships and vessels, which shall be deposited with them as directed by law, till payment shall be made of all demands and wages on account of such ships and vessels.

826..SEC. 29. *And be it further enacted*, That if any citizen of the United States who shall die abroad shall, by any lawful testamentary disposition, leave special directions for the custody and management, by the Consular Officer of the port or place where he shall die, of the personal property of which he shall die possessed in such country, as contemplated by the act entitled "An act concerning Consuls and Vice-Consuls," approved April fourteen, seventeen hundred and ninety-two, it shall be the duty of such Officer, so far as the law of such country will permit, strictly to observe such directions; and if any such citizen so dying shall, by any lawful testamentary disposition, have appointed any other person or persons than such Officer to take charge of and manage such property, it shall be the duty of such Officer, whenever required by such person or persons so appointed, to give his official aid in whatever way may be necessary to facilitate the proceedings of such person or persons in the lawful execution of such trust, and, so far as the laws of the country permit, to protect the property of the deceased from any interference of the local authorities of the country where such citizen shall die; and to this end it shall be the duty of such Consular Officer to place his official seal upon all or any of the personal property or effects of the deceased, and to break and remove such seal as may be required by such person or persons, and not otherwise.

827..SEC. 30. *And be it further enacted*, That all fees collected for and in behalf of the United States, in pursuance of this act, shall be collected in the coin of the United States, or at its representative value in exchange.

828..SEC. 31. *And be it further enacted,* That in the construction, and for the purposes of all other acts and parts of acts which shall remain in force after this act shall take effect, defining any of the powers, declaring any of the rights, prescribing any of the duties, or imposing any penalty or punishment for any act of omission or commission of any Consul, Commercial Agent, Vice-Consul, or Vice-Commercial Agent, or allowing or enjoining the performance of any act, matter, or thing, with or before any such Officer, all such acts and parts of acts shall in all these several respects, so far as may be consistent with the subject-matter and context of the same, and with this act and the treaties of the United States, be deemed and taken to include and apply to all Consular Officers as though all such Officers were specially named therein; and the said official designations in contemplation of all such acts and parts of acts, and of this act, shall be deemed and taken to have the respective meanings hereinafter assigned to them; that is to say, "Consul General," "Consul," and "Commercial Agent" shall be deemed and taken to denote full, principal, and permanent "Consular Officers," as distinguished from subordinates* and substitutes; "Deputy Consul" and "Consular Agent" shall be deemed and taken to denote "Consular Officers" subordinate to such principals, exercising the powers and performing the duties within the limits of their Consulates or Commercial Agencies respectively, the former at the same ports or places, and the latter at ports or places different from those at which such principals are located, respectively; and "Vice-Consuls" and "Vice-Commercial Agents" shall be deemed and taken to denote "Consular Officers," who shall be substituted, temporarily to fill the places of "Consuls General," "Consuls," or "Commercial Agents," when they shall be temporarily absent or relieved from duty; and the term "Consular Officer," as used in this act, shall be deemed and taken to include all such Officers as are mentioned in this section, and none others; and the term "Diplomatic Officer," as used in this act, shall be deemed and taken to include all the Officers mentioned in the first section of this act, and none others.

829..SEC. 32. *And be it further enacted,* That if any Consular Officer shall willfully neglect or omit to perform seasonably any duty imposed upon him by this or any other act, or by any order or instruction made or given in pursuance of this or any other act, or shall be guilty of any willful malfeasance or abuse of power, or any corrupt conduct in his office, he shall be liable to all persons injured by any such neglect, or omission, malfeasance, abuse, or corrupt conduct, for all damages occasioned thereby; and for all such damages by any such Officer, he, and his sureties upon his official bond, shall be responsible thereon to the full amount of the penalty thereof, to be sued in the name of the United States for the use of

*See Opinion of Attorney-General, July 16, 1860.

the person or persons so injured: *Provided*, That such suit shall in no case prejudice, but shall be held in entire subordination to the interests, claims, and demands of the United States as against such Officer, under such bond, for every willful act of malfeasance or corrupt conduct in his office; and if any such Officer shall refuse to pay any draft, order, or warrant which may be drawn upon him by the proper officer of the Treasury Department for any public moneys of the United States in his hands, or for any amount due from him to the United States, whatever the capacity in which he may have received or may hold the same, or to transfer or disburse any such moneys promptly upon the legal requirement of any authorized Officer of the United States, he shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment not to exceed ten years nor less than one year, or by fine not to exceed two thousand dollars nor less than two hundred dollars, or both, at the discretion of the court; and any such Officer so offending, may be charged, proceeded against, tried, convicted, and dealt with in any district in which he may be arrested or in custody.

830..SEC. 33. *And be it further enacted*, That the fifth, sixth, and seventh sections of the act hereinbefore mentioned, approved July twenty, eighteen hundred and forty, and all of the act entitled "An act to remodel the diplomatic and consular systems of the United States," approved March first, eighteen hundred and fifty-five, and all acts and parts of acts whereby any such fees as are contemplated by the seventeenth section of this act are fixed or allowed, and any usage or law whereby any Attaché is or may be allowed to any Legation other than such as are provided in this act, or requiring any Secretary of Legation to be employed otherwise than as provided by this act, and all other acts and parts of acts, so far as the same are inconsistent with this act, be, and the same are hereby, annulled and repealed; and no Attaché shall be allowed in any case, nor any Secretary of Legation, otherwise than as provided by this act.

831..SEC. 34. *And be it further enacted*, That this act shall take effect on the first day of January next, and not before.

AN ACT making appropriations for the consular and diplomatic expenses of the government for the year ending the thirtieth of June, eighteen hundred and fifty-eight. Approved February 7, 1857. [Statutes at Large, vol. xi, p. 160.]

[Extract.]

832..SEC. 2. *And be it further enacted*, That the seventh section of "An act to regulate the diplomatic and consular systems of the United States," approved eighteenth August, eighteen hundred and fifty-six, be and the same is hereby repealed.

AN ACT making appropriations for the consular and diplomatic expenses of the government for the year ending the thirtieth of June, eighteen hundred and sixty. Approved March 3, 1859. [Statutes at Large, vol. xi, p. 404.]

[Extract.]

833..SEC. 2. *And be it further enacted*, That the salary provided be the third section of "An act to regulate the diplomatic and consular systems of the United States," approved August eighteenth, eighteen hundred and fifty-six, as compensation for the Consul General of British North America, as by Schedule B, shall be in full of all compensation allowed to that officer; and all fees received by any Vice-Consul or Commercial Agent in British North America, exceeding the amount allowed by the President as compensation for his services, and all fees received by said Consul General, shall be accounted for by such officers, respectively, to the Treasury of the United States.

834..SEC. 3. *And be it further enacted*, That the fee for certifying invoices, and for certifying the place of growth or production of goods made duty free by the Reciprocity treaty, to be charged by the Consul General for the British North American provinces and subordinate Consular Officers, or Agents in said provinces, shall be fifty cents for each certificate and no more. And no such certificate of the growth or production shall be required for goods not exceeding in value the sum of two hundred dollars.*

AN ACT to carry into effect provisions of the treaties between the United States, China, Japan, Siam, Persia, and other countries, giving certain judicial powers to Ministers and Consuls, or other functionaries of the United States in those countries, and for other purposes. Approved June 22, 1860. [Statutes at Large, vol. xii, p. 72.]

835..*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, to carry into full effect the provisions of the treaties of the United States with the Empires of China, Japan, and Siam, respectively, the Minister and the Consuls of the United States, duly appointed to reside in each of the said countries, shall, in addition to other powers and duties imposed upon them, respectively, by the provisions of such treaty, respectively, be invested with the judicial authority herein described, which shall appertain to the said office of Minister and Consul, and be a part of the duties belonging thereto, wherein the same is allowed by treaty.

836..SEC. 2. *And be it further enacted*, That, in regard to crimes and misdemeanors, the said public functionaries are hereby fully empowered to arraign and try, in the manner herein provided, all

* See Opinion of Attorney General, dated July 16, 1860, in relation to the construction of these sections, and the meaning of "subordinate Consular Officers."

citizens of the United States charged with offenses against law, which shall be committed in such countries, respectively, and, upon conviction, to sentence such offenders in the manner herein authorized; and the said functionaries, and each of them, are hereby authorized to issue all such processes as are suitable and necessary to carry this authority into execution.

837..SEC. 3. *And be it further enacted,* That, in regard to civil rights, whether of property or person, the said functionaries are hereby invested with all the judicial authority necessary to execute the provisions of such treaties, respectively, and shall entertain jurisdiction in matters of contract at the port where, or nearest to which, the contract was made, or at the port at which, or nearest to which, it was to be executed; and in all other matters at the port where, or nearest to which, the cause or controversy arose, or at the port where, or nearest to which, the damage complained of was sustained, any such port above named being always one of the ports at which the United States are represented by Consuls; which jurisdiction shall embrace all controversies between citizens of the United States, or others, provided for by such treaties, respectively.

838..SEC. 4. *And be it further enacted,* That such jurisdiction in criminal and civil matters shall, in all cases, be exercised and enforced in conformity with the laws of the United States, which are hereby, so far as is necessary to execute such treaties, respectively, extended over all citizens of the United States in the said countries, (and over all others to the extent that the terms of the said treaties, respectively, justify or require,) so far as such laws are suitable to carry the said treaties into effect; but in all cases where such laws are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies, the common law, including equity and admiralty, shall be extended in like manner over such citizens and others in the said countries; and, if defects still remain to be supplied, and neither common law, including equity and admiralty, nor the statutes of the United States, furnish appropriate and suitable remedies, the Ministers in the said countries, respectively, shall, by decrees and regulations which shall have force of law, supply such defects and deficiencies.

839..SEC. 5. *And be it further enacted,* That in order to organize and to carry into effect the system of jurisprudence demanded by such treaties, respectively, the said Ministers, with the advice of the several Consuls in each of the said countries, respectively, or so many of them as can be conveniently assembled, shall prescribe the forms of all processes which shall be issued by any of said Consuls; the mode of executing and the time of returning the same; the manner in which trials shall be conducted, and how the records thereof shall be kept; the form of oaths for Christian witnesses, and the mode of examining all other witnesses; the costs which shall be allowed to the prevailing party, and the fees which shall be paid for judicial services to defray necessary expenses; the manner in

which all officers and agents to execute process, and to carry this act into effect, shall be appointed and compensated; the form of bail bonds, and the security which shall be required of the party who appeals from the decision of a Consul; and, generally, without further enumeration, to make all such decrees and regulations from time to time, under the provisions of this act, as the exigency may demand; and all such regulations, decrees, and orders shall be plainly drawn up in writing, and submitted, as above provided, for the advice of the Consuls, or as many of them as can be consulted without prejudicial delay or inconvenience, who shall each signify his assent or dissent in writing, with his name subscribed thereto; and after taking such advice, and considering the same, the Minister, in the said countries, respectively, may, nevertheless, by causing the decree, order, or regulation to be published with his signature thereto, and the opinions of his advisers inscribed thereon, make it to become binding and obligatory, until annulled or modified by Congress; and it shall take effect from the publication or any subsequent day thereto named in the act.

840..SEC. 6. *And be it further enacted*, That all such regulations, orders, and decrees, shall, as speedily as may be after publication, be transmitted by the said Ministers, with the opinions of their advisers, as drawn up by them severally, to the Secretary of State to be laid before Congress for revision.

841..SEC. 7. *And be it further enacted*, That each of the Consuls aforesaid, at the port for which he is appointed, shall be competent, under the authority herein contained, upon facts within his own knowledge, or which he has good reason to believe true, or upon complaint made, or information filed in writing and authenticated in such way as shall be prescribed by the Minister, to issue his warrant for the arrest of any citizen of the United States charged with committing in the country an offense against law; and when arrested, to arraign and try any such offender; and, upon conviction, to sentence him to punishment in the manner herein prescribed; always meting out punishment in a manner proportioned to the offense; which punishment shall, in all cases, except as is herein otherwise provided, be either fine or imprisonment.

842..SEC. 8. *And be it further enacted*, That any Consul, when sitting alone for the trial of offenses or misdemeanors, shall finally decide all cases where the fine imposed does not exceed one hundred dollars, or the term of imprisonment does not exceed sixty days. And there shall be no appeal therefrom, except as provided in section eleven of this act. But no fine imposed by a Consul for a contempt committed in the presence of the court, or for failing to obey a summons from the same, shall exceed fifty dollars, nor shall the imprisonment exceed twenty-four hours for the same contempt.

843..SEC. 9. *And be it further enacted*, That when sitting alone he may also decide all cases in which the fine imposed does not exceed five hundred dollars, or the term of imprisonment does not exceed

ninety days; but in all such cases, if the fine exceeds one hundred dollars, or the term of imprisonment for misdemeanor exceeds ninety days, the defendants (or any of them, if there be more than one) may take the case, by appeal, before the Minister of the United States, if allowed jurisdiction, either upon errors of law or matters of fact, under such rules as may be prescribed by the Minister for the prosecution of appeals in such cases.

844.. SEC. 10. *And be it further enacted*, That whenever, in any case, the Consul shall be of opinion that, by reason of the legal questions which may arise therein, assistance will be useful to him, or whenever he shall be of opinion that a severer punishment than those above specified will be required, he shall, in either case, summon one or more citizens of the United States, not exceeding four in number, taken by lot from a list of individuals which shall have been submitted previously to the Minister for his approval, but in capital cases not less than four, who shall be persons of good repute and competent to the duty, to sit with him in the trial, and who, after so sitting upon the trial, shall each enter upon the record his judgment and opinion, and sign the same. The Consul shall, however, give judgment in the case; but if his decision is opposed by the opinion of one or more of his associates, the case, without further proceedings, together with the evidence and opinions, shall be referred to the Minister for his final adjudication, either by entering up judgment therein, or remitting the same to the Consul, with instructions how to proceed therewith; but in all such cases, except capital offenses, if the Consul and his associates concur in opinion, the decision shall be final, except as is provided in section nine of this act.

845.. SEC. 11. *And be it further enacted*, That the Consuls aforesaid, and each of them, at the port for which he is appointed, shall have jurisdiction, as is herein provided, in all civil cases arising under such treaties, respectively, wherein the damage demanded does not exceed the sum of five hundred dollars; and if he sees fit to decide the same without aid, his decision thereon shall be final; but if, in his judgment, any case involves legal perplexities, and assistance will be useful, or if the damage demanded exceeds five hundred dollars, in either such case it shall be his duty to summon to his aid, from a list of individuals which shall have been nominated for the purposes of this act to the Minister and received his approval, not less than two nor more than three citizens of the United States, if such are residing at the port, of good repute and competent to the duty, who shall with him hear any such case; and if the Consul and his associates concur in opinion, the judgment shall be final; but if the associates, or any of them, differ from the Consul, the opinions of all shall be noted on the record, and each shall subscribe his name to his assent to or dissent from the Consul, with such reasons therefor as he thinks proper to assign, and either party may thereupon appeal, under such regulations as may exist, to the Minister; but if

no appeal is lawfully claimed, the decision of the Consul shall be final and conclusive.

846..SEC. 12. *And be it further enacted,* That in all cases, criminal and civil, the evidence shall be taken down in writing in open court, under such regulations as may be made for that purpose; and all objections to the competency or character of testimony shall be noted, with the ruling in all such cases, and the evidence shall be part of the case.

847..SEC. 13. *And be it further enacted,* That the Minister of the United States in the country to which he is appointed shall, in addition to his power to make regulations and decrees, as herein provided, be fully authorized to hear and decide all cases, criminal and civil, which may come before him, by appeal, under the provisions of this act, and to issue all processes necessary to execute the power conferred upon him; and he is hereby fully empowered to decide finally any case upon the evidence which comes up with it, or to hear the parties further, if he thinks justice will be promoted thereby; and he may also prescribe the rules upon which new trials may be granted, either by the Consuls or by himself, if asked for upon justifiable grounds.

848..SEC. 14. *And be it further enacted,* That in all cases, except as is herein otherwise provided, the punishment of crime provided for by this act shall be by fine or imprisonment, or both, at the discretion of the functionary who decides the case, but subject to the regulations herein contained, and such as may hereafter be made. It shall, however, be the duty of each and every functionary to allot punishment according to the magnitude and aggravation of the offense; and all who refuse or neglect to comply with the sentence passed upon them shall stand committed until they do comply, or are discharged by order of the Consul, with the consent of the minister in the country.

849..SEC. 15. *And be it further enacted,* That murder, and insurrection or rebellion against the government of either of the said countries, with intent to subvert the same, shall be capital offenses, punishable with death; but no person shall be convicted of either of said crimes unless the Consul and his associates in the trial all concur in opinion, and the Minister also approves of the conviction; but it shall always be lawful to convict one put upon trial for either of these crimes, of a lesser offense of a similar character, if the evidence justifies it, and, when so convicted, to punish, as for other offenses, by fine or imprisonment, or both.

850..SEC. 16. *And be it further enacted,* That whenever any one shall be convicted of either of the crimes punishable with death, as aforesaid, in either of the said countries, it shall be the duty of the Minister to issue his warrant for the execution of such convict, appointing the time, place, and manner; but if the said Minister shall be satisfied that the ends of public justice demand it, he may, from time to time, postpone such execution; and if he finds mitiga-

tory circumstances which may authorize it, may submit the case to the President of the United States for pardon.

851..SEC. 17. *And be it further enacted*, That it shall be the duty of the Minister in each of the said countries to establish a tariff of fees for judicial services, which shall be paid by such parties, and to such persons, as said Minister shall direct; and the proceeds shall, as far as is necessary, be applied to defray the expenses incident to the execution of this act; and regular accounts, both of receipts and expenditures, shall be kept by the said Minister and Consuls, and transmitted annually to the Secretary of State.

852..SEC. 18. *And be it further enacted*, That, in all criminal cases which are not of a heinous character, it shall be lawful for the parties aggrieved or concerned therein, with the assent of the Minister in the country or Consul, to adjust and settle the same among themselves, upon pecuniary or other considerations.

853..SEC. 19. *And be it further enacted*, That it shall be the duty also of the said Ministers and the Consuls to encourage the settlement of controversies of a civil character by mutual agreement, or to submit them to the decision of referees agreed upon by the parties, a majority of whom shall have power to decide the matter. And it shall be the duty of the Minister in each country to prepare a form of submission for such cases, to be signed by the parties, and acknowledged before the Consul; and when parties have so agreed to refer, the referees may, after suitable notice of the time and place of meeting for the trial, proceed *ex parte*, in case either party refuses or neglects to appear; and, after hearing any case, may deliver their award, sealed, to the Consul, who, in court, shall open the same; and if he accepts it, he shall indorse the fact, and judgment shall be rendered thereon, and execution issued in compliance with the terms thereof: *Provided, however*, That the parties may always settle the same before return thereof is made to the Consul.

854..SEC. 20. *And be it further enacted*, That the Ministers aforesaid and Consuls shall be fully authorized to call upon the local authorities to sustain and support them in the execution of the powers confided to them by said treaty, and on their part to do and perform whatever is necessary to carry the provisions of said treaties into full effect, so far as they are to be executed in the said countries respectively.

855..SEC. 21. *And be it further enacted*, That the provisions of this act, so far as the same relate to crimes and offenses committed by citizens of the United States, shall extend to Turkey, under the treaty with the Sublime Porte of May seventh, eighteen hundred and thirty,* and shall be executed in the Ottoman dominions, in conformity with the provisions of said treaty, and of this act, by the Minister of the United States and the Consuls of the United States [appointed] to reside therein, who are hereby *ex officio* vested with

* See Statutes at Large, vol. viii, pp. 408, 409.

the powers herein conferred upon the Minister and Consuls in China, for the purposes above expressed, so far as regards the punishment of crime, and also for the exercise of jurisdiction in civil cases wherein the same is permitted by the laws of Turkey, or its usages in its intercourse with the Franks or other foreign Christian nations.*

856..SEC. 22. *And be it further enacted*, That the word Minister, when used in this act, shall be understood to mean the person invested with, and exercising, the principal diplomatic functions in each of the countries mentioned in the first section of this act. The word Consul shall be understood to mean any person invested by the United States with, and exercising the functions of Consul General, Vice-Consul General, Consul, or Vice-Consul, in any of the countries herein named. And if at any time there be no Minister of the United States in either of the countries hereinbefore mentioned, the judicial duties which are imposed by this act upon the Minister shall devolve upon the Consul General or Consul residing at the capital of the country, who is hereby authorized and required to discharge the same.

857..SEC. 23. *And be it further enacted*, That all such Officers shall be responsible for their conduct to the United States, and to the laws thereof, not only as diplomatic or consular functionaries, respectively, but as judicial officers, when they perform judicial duties, and shall be held liable for all negligences and misconduct as public officers.

858..SEC. 24. *And be it further enacted*, That capital cases for murder or insurrection against the government of either of the countries hereinbefore mentioned, by citizens of the United States, or for offenses against the public peace amounting to felony under the laws of the United States, may be tried before the Minister of the United States in the country where the offense is committed if allowed jurisdiction; and it shall be competent for each of the said Ministers to issue all manner of writs, to prevent the citizens of the United States from enlisting in the military or naval service of either of the said countries, to make war upon any foreign power with whom the United States are at peace, or in the service of one portion of the people against any other portion of the same people; and he may carry out this power by a resort to such force as may at the time be within his reach, belonging to the United States.

859..SEC. 25. *And be it further enacted*, That the President be, and he is hereby, authorized to appoint Marshals for such of the consular courts in the said countries as he may think proper, not to exceed seven in number, namely, one in Japan, four in China, one in Siam, and one in Turkey, who shall each receive an annual salary of one thousand dollars per annum, in addition to the fees allowed by the regulations of the said Ministers, respectively, in the said

* See Opinions of the Attorneys General, vols viii, pp. 498, et seq., 565–471.

countries; and it shall be the duty of the said Marshals, respectively to execute all process issued by the Minister of the United States in the said countries, respectively, or by the Consul at the port at which they reside, and to make due return of the same to the officer by whom the same was issued, and to conform, in all respects, to the regulations prescribed by the said Ministers, respectively, in regard to their duties. And the said Marshals shall give bond for the faithful performance of the duties of the office, before entering upon the duties of the same, which bond shall be in a penal sum not to exceed ten thousand dollars, with two sureties to be approved by the Secretary of State of the United States; and the said bond shall be transmitted to the Secretary of the Treasury, and a certified copy thereof be lodged in the office of the Minister. And in case any person aggrieved by the misconduct of any of the said Marshals should desire to bring suit upon any of the said bonds, it shall be the duty of the Secretary of the Treasury, or the Minister having custody of a copy of the same, to furnish the person so applying with a certified copy thereof, upon which copy so furnished and certified suit may be brought and prosecuted with the same effect as could be done upon the original: *Provided*, That upon a plea of *non est factum*, verified upon oath, or any other good cause shown, the court or the Consul or Minister trying the cause may require the original to be produced; and when so required, it shall be the duty of the Secretary of the Treasury to forward the original bond to the court or Consul or Minister requiring the same: *And provided further*, That before a copy of any such bond shall be furnished for suit, it shall be the duty of the Secretary of the Treasury, or the Minister to whom the application is made, to require *prima facie* proof, to be judged of by the Secretary of the Treasury or the Minister having charge of the copy, that there is probable cause of action against the marshal making the bond: *And provided further*, That all rules, orders, writs, and processes of every kind which are intended to operate or be enforced against any of the said marshals in any of the countries named in this act, shall be directed to, and executed by, such person as may be appointed for that purpose by the Minister or Consul issuing the same.

860..SEC. 26. *And be it further enacted*, That the President be, and is hereby, authorized to allow, in the adjustment of the accounts of each of the said Ministers or Consuls, the actual expenses of the rent of suitable buildings, or parts of buildings, to be used as prisons for American convicts in the said countries, not to exceed in any case the rate of six hundred dollars a year; and also, the wages of the keepers of the same, and for the care of offenders, not to exceed, in any case, the sum of eight hundred dollars per annum, and provided that no more than one prison shall be hired in Japan, four in China, one in Turkey, and one in Siam, at such port or ports as the Minister, with the sanction of the President, may designate.

861..SEC. 27. *And be it further enacted*, That the jurisdiction of

the respective Ministers in the countries hereinbefore named, where the same is allowed by treaty, in all matters of civil redress or of crimes, except in the cases mentioned in the twenty-fourth section, shall be appellate only, and to be exercised wherever in the said countries they may be, respectively, except also in cases where a Consular Officer shall happen to be interested either as party or witness, in which case original jurisdiction is vested in the said Ministers, respectively.

862. SEC. 28. *And be it further enacted*, That the provisions of this act be, and the same are hereby, extended to Persia, in respect to all suits and disputes which may arise between citizens of the United States therein; and the Minister and Consuls who may be appointed to reside in Persia are hereby invested, in relation to the said suits and disputes, with such powers as are by this act conferred upon the Minister and Consuls in China. And all suits and disputes arising in Persia* between Persian subjects and citizens of the United States shall be carried before the Persian tribunal, to which such matters are usually referred, at the place where a Consul or Agent of the United States may reside, and shall be discussed and decided according to equity, in the presence of an employé of the Consul or Agent of the United States; and it shall be the duty of the Consular Officer to attend the trial in person, and see that justice is administered. And all suits and disputes occurring in Persia between the citizens of the United States and the subjects of other foreign powers shall be tried and adjudicated by the intermediation of their respective Ministers or Consuls, in accordance with such regulations as shall be mutually agreed upon by the Minister of the United States, for the time being, and the Ministers of such foreign powers, respectively, which regulations shall, from time to time, be submitted to the Secretary of State of the United States.

863. SEC. 29. *And be it further enacted*, That the provisions of this act, so far as the same are in conformity with the stipulations in the existing treaties between the United States and Tripoli, Tunis, Morocco, and Muscat, respectively, shall extend to those countries, and shall be executed in conformity with the provisions of the said treaties, and of the provisions of this act, by the Consuls appointed by the United States to reside therein, who are hereby, *ex officio*, invested with the powers herein delegated to the Ministers and Consuls of the United States appointed to reside in the countries named in the first section of this act, so far as the same can be exercised under the provisions of treaties between the United States and the several countries mentioned in this section, and in accordance with the usages of the said countries in their intercourse with the Franks or other foreign Christian nations.

* Treaty with Persia, see Statutes at Large, vol. xi, pp. 709–711. Treaties with the Barbary States and Muscat, see Statutes at Large, vol. viii, pp. 154, 214, 157, 298; 100, 484, 458.

864..SEC. 30. *And be it further enacted,* That the Consuls and Commercial Agents of the United States at islands or in countries not inhabited by any civilized people, or recognized by any treaty with the United States, be, and the same are hereby, authorized to try, hear, and determine all cases in regard to civil rights, whether of person or property, where the real debt and damages do not exceed the sum of one thousand dollars, exclusive of costs; and upon full hearing of the allegations and evidence of both parties, to give judgment according to the laws of the United States, and according to the equity and right of the matter, in the same manner as justices of the peace are now authorized and empowered where the United States have exclusive jurisdiction. And the said Consuls and Commercial Agents, respectively, are hereby invested with the powers conferred by the provisions of the seventh and eighth sections of this act for trial of offenses or misdemeanors.*

865..SEC. 31. *And be it further enacted,* That all marriages in the presence of any Consular Officer in a foreign country, between persons who would be authorized to marry if residing in the District of Columbia, shall have the same force and effect, and shall be valid to all intents and purposes, as if the said marriage had been solemnized within the United States. And in all cases of marriage before any Consular Officer, the said Consular Officer shall give to each of the parties a certificate of such marriage, and shall also send a certificate thereof to the Department of State, there to be kept; which certificate shall specify the names of the parties, their ages, places of birth, and residence.†

866..SEC. 32. *And be it further enacted,* That all acts and parts of acts inconsistent with the provisions of this act shall be, and the same are hereby, repealed.

867..SEC. 33. *And be it further enacted,* That this act shall take effecton the first day of July, eighteen hundred and sixty.‡

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* Opinions of the Attorneys General, vol. viii, pp. 345–349, 380–386.

† Opinions of the Attorneys General, vol. vii, pp. 18, 32, 342, 349.

‡ Treaties were negotiated with China July 3, 1844, (see Statutes at Large, vol. viii, p. 592,) and June 18, 1858, and Conventions November 18, 1858, Statutes at Large, vol. xii, pp. 1023–1030.

Treaties were negotiated with Japan March 31, 1854, and June 17, 1857, (see Statutes at Large, vol. xi, pp. 597, 598, and 723, 724,) and July 29, 1858, Statutes at Large, vol. xii, pp.1051–1068.

A treaty was negotiated with Persia December 13, 1856, (see Statutes at Large, vol. xi, pp. 709, 711.)

Treaties were negotiated with Siam March 20, 1833, (see Statutes at Large, vol. viii, pp. 454, 455,) and May 29, 1856, (see Statutes at Large, vol. xi, pp. 688, 689.)

A treaty was negotiated with Madagascar February 14, 1867, (Statutes at Large, vol. xv, p. 491.)

AN ACT to reduce consular fees for vessels running to or between foreign ports. Approved August 5, 1861. [Statutes at Large, vol. xii, p. 315.]

868. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That American vessels running regularly, by weekly or monthly trips, or otherwise, to or between foreign ports, shall not be required to pay fees to Consuls for more than four trips in a year, anything in the law or regulations respecting consular fees to the contrary notwithstanding.

AN ACT making appropriations for the consular and diplomatic expenses of the government for the year ending thirtieth June, eighteen hundred and sixty-three, and additional appropriations for the year ending thirtieth June, eighteen hundred and sixty-two. Approved February 4, 1862. [Statutes at Large, vol. xii, p. 335.]

[Extracts.]

869 * * * * * *

For compensation to an interpreter to the Consulate at Kanagawa, fifteen hundred dollars.

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And the salary of the Consul at Bremen shall be three thousand dollars, to commence on the first day of January, eighteen hundred and sixty-two; and the Consul at Pictou (Nova Scotia) shall receive a salary of fifteen hundred dollars, to commence on the first day of January, eighteen hundred and sixty-two; and the salary of the Consul at Swatow shall be thirty-five hundred dollars, to commence on the twenty-first day of September, eighteen hundred and sixty; and the consul at Port Mahon shall receive a salary of fifteen hundred dollars: *Provided,* That all Consular Officers whose respective salaries exceed one thousand dollars per annum shall be subject to the provisions of the fifth section of the act to regulate the diplomatic and consular systems of the United States, approved August eighteen, eighteen hundred and fifty-six; and their respective Consulates shall be included in Schedule B, of the list of salaried Consulates: *And provided further,* That no appointment of Consuls shall hereafter be made, nor the compensation of Consuls raised, under the act of August two, eighteen hundred and sixty-one, except to the places herein mentioned. And the Consul at Newcastle-upon-Tyne shall receive a salary of fifteen hundred dollars per annum, commencing on the first day of January, eighteen hundred and sixty-two.

For interpreters to the Consulates in China, four thousand five hundred dollars.

For salaries of the marshals for the consular courts in Japan, China, Siam, and Turkey, seven thousand dollars.

For rent of prisons for American convicts in Japan, China, Siam, and Turkey, and for wages of the keepers of the same, nine thousand dollars.

Act of February 19, 1862.

870.. SEC. 2. *And be it further enacted,* That the following sums be, and the same are hereby, appropriated for the service of the year ending the thirtieth June, eighteen hundred and sixty-two, namely:

For compensation and increased salaries to sundry Consuls, under the act of second August, eighteen hundred and sixty-one, fifty-four thousand one hundred and eleven dollars and ninety-seven cents.

* * * * * *

AN ACT to prohibit the "coolie trade" by American citizens in American vessels.* Approved February 19, 1862. [Statutes at Large, vol xii, p. 340.]

871.. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That no citizen or citizens of the United States, or foreigner coming into or residing within the same, shall, for himself or for any other person whatsoever, either as master, factor, owner, or otherwise, build, equip, load, or otherwise prepare, any ship or vessel, or any steamship or steam-vessel, registered, enrolled, or licensed in the United States, or any port within the same, for the purpose of procuring from China, or from any port or place therein, or from any other port or place, the inhabitants or subjects of China, known as "coolies," to be transported to any foreign country, port, or place whatever, to be disposed of, or sold, or transferred, for any term of years or for any time whatever, as servants or apprentices, or to be held to service or labor. And if any ship or vessel, steamship or steam-vessel, belonging in whole or in part to citizens of the United States, and registered, enrolled, or otherwise licensed as aforesaid, shall be employed for the said purposes, or in the "coolie trade," so called, or shall be caused to procure or carry from China or elsewhere, as aforesaid, any subjects of the government of China, for the purpose of transporting or disposing of them as aforesaid, every such ship or vessel, steamship, or steam-vessel, her tackle, apparel, furniture, and other appurtenances, shall be forfeited to the United States, and shall be liable to be seized, prosecuted, and condemned in any of the circuit courts or district courts of the United States for the district where the said ship or vessel, steamship or steam-vessel, may be found, seized, or carried.

872.. SEC. 2. *And be it further enacted,* That every person who shall so build, fit out, equip, load, or otherwise prepare, or who shall send to sea, or navigate, as owner, master, factor, agent, or otherwise, any ship or vessel, steamship, or steam-vessel, belonging in whole or in part to citizens of the United States, or registered, enrolled, or licensed within the same, or at any port thereof, know-

* See resolution of the Senate and of the House of Representatives, January 16, 1867, and instructions of Hon. William H. Seward, Secretary of State, January 17, 1867, in reference to the coolie trade.

ing or intending that the same shall be employed in that trade or business aforesaid, contrary to the true intent and meaning of this act, or in anywise aiding or abetting therein, shall be severally liable to be indicted therefor, and, on conviction thereof, shall be liable to a fine not exceeding two thousand dollars, and be imprisoned not exceeding one year.

873..SEC. 3. *And be it further enacted*, That if any citizen or citizens of the United States shall, contrary to the true intent and meaning of this act, take on board of any vessel, or receive or transport, any such persons as are above described in this act, for the purpose of disposing of them as aforesaid, he or they shall be liable to be indicted therefor, and, on conviction thereof, shall be liable to a fine not exceeding two thousand dollars, and be imprisoned not exceeding one year.

874..SEC. 4. *And be it further enacted*, That nothing in this act hereinbefore contained shall be deemed or construed to apply to or affect any free and voluntary emigration of any Chinese subject, or to any vessel carrying such person as passenger on board the same: *Provided, however*, That a permit or certificate shall be prepared and signed by the Consul or Consular Agent of the United States residing at the port from which such vessel may take her departure, containing the name of such person, and setting forth the fact of his voluntary emigration from such port or place, which certificate shall be given to the master of such vessel; but the same shall not be given until such Consul or Consular Agent shall be first personally satisfied, by evidence produced, of the truth of the facts therein contained.

875..SEC. 5. *And be it further enacted*, That all the provisions of the act of Congress approved February twenty-second, eighteen hundred and forty-seven, entitled "An act to regulate the carriage of passengers in merchant vessels," and all the provisions of the act of Congress approved March third, eighteen hundred and forty-nine, entitled "An act to extend the provisions of all laws now in force relating to the carriage of passengers in merchant vessels and the regulation thereof," shall be extended, and shall apply, to all vessels owned in whole or in part by citizens of the United States, and registered, enrolled, or licensed within the United States, propelled by wind or by steam, and to all masters thereof, carrying passengers or intending to carry passengers from any foreign port or place without the United States to any other foreign port or place without the United States; and that all penalties and forfeitures provided for in said act shall apply to vessels and masters last aforesaid.

876..SEC. 6. *And be it further enacted*, That the President of the United States shall be, and he is hereby, authorized and empowered, in such way and at such time as he shall judge proper to the end that the provisions of this act may be enforced according to the true intent and meaning thereof, to direct and order the vessels of

the United States, and the masters and commanders thereof, to examine all vessels navigated or owned in whole or in part by citizens of the United States, and registered, enrolled, or licensed under the laws of the United States, wherever they may be, whenever, in the judgment of such master or commanding officer thereof, reasonable cause shall exist to believe that such vessel has on board, in violation of the provisions of this act, any subjects of China known as "coolies" for the purpose of transportation; and upon sufficient proof that such vessel is employed in violation of the provisions of this act, to cause such vessel to be carried, with her officers and crew, into any port or district within the United States and delivered to the marshal of such district, to be held and disposed of according to the provisions of this act.

877.. SEC. 7. *And be it further enacted*, That this act shall take effect from and after six months from the day of its passage.

AN ACT to authorize the President of the United States to appoint Diplomatic Representatives to the Republics of Hayti and Liberia, respectively. Approved June 5, 1862. [Statutes at Large, vol. xii, p. 421.]

878.. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he hereby is, authorized, by and with the advice and consent of the Senate, to appoint Diplomatic Representatives of the United States to the Republics of Hayti and Liberia, respectively. Each of the said representatives so appointed shall be accredited as Commissioner and Consul General, and shall receive the compensation of Commissioners, according to the act of Congress approved August eighteen, eighteen hundred and fifty-six: *Provided*, That the annual compensation of the representative at Liberia shall not exceed four thousand dollars.

AN ACT increasing temporarily the duties on imports, and for other purposes.* Approved July 14, 1862. [Statutes at Large, vol. xii, p. 558.]

[Extract.]

879.. SEC. 17. *And be it further enacted*, That from and after the first day of November, eighteen hundred and sixty-two, no goods, wares, or merchandise subject to ad valorem or specific duty, whether belonging to a person or persons residing in the United States or otherwise, or whether acquired by the ordinary process of bargain and sale or otherwise, shall be admitted to entry unless the invoice of such goods, wares, or merchandise be verified by the

* See Circular No. 17, July 14, 1862. The provisions of this act have been modified by those of subsequent acts, more especially those of March 3, 1863, and March 3, 1864. [Statutes at Large, vol. xii, pp. 737, 738, and vol. xiv, pp. 559, 560.]

oath of the owner or one of the owners, or, in the absence of the owner, one of the party who is authorized by the owner to make the shipment and sign the invoice of the same, certifying that the invoice annexed contains a true and faithful account, if subject to ad valorem duty and obtained by purchase, of the actual cost thereof and of all charges thereon, and that no discounts, bounties, or drawbacks are contained in the said invoice but such as have actually been allowed on the same; and, when consigned or obtained in any manner other than by purchase, the actual market value thereof, and, if subject to specific duty, of the actual quantity thereof; which said oath shall be administered by the Consul or Commercial Agent of the United States in the district where the goods are manufactured, or from which they are sent; and if there be no Consul or Commercial Agent of the United States in the said district, the verification hereby required shall be made by the Consul or Commercial Agent of the United States at the nearest point, or at the port from which the goods are shipped, in which case the oath shall be administered by some public officer, duly authorized to administer oaths, and transmitted, with a copy of the invoice, to the Consul or Commercial Agent for his authentication; and this act shall be construed only to modify, and not repeal, the act of March first, eighteen hundred and twenty-three, entitled "An act supplementary to, and to amend an act entitled 'An act to regulate the collection of duties on imports and tonnage,' passed second March, one thousand seven hundred and ninety-nine, and for other purposes," and the forms of the oaths therein set forth shall be modified accordingly. And there shall be paid to the said Consul, Vice-Consul, or Commercial Agent, by the person or persons by or in behalf of whom the said invoices are presented and deposited, one dollar for each and every invoice verified, which shall be accounted for by the officers receiving the same, in such manner as is now required by the laws regulating the fees and salaries of Consuls and Commercial Agents: *Provided*, That nothing herein contained shall be construed to require for goods imported under the reciprocity treaty with Great Britain, signed June fifth, eighteen hundred and fifty-four, any other consular certificate than is now required by law: *And provided, further*, That the provisions of this section shall not apply to invoices of goods, wares, and merchandise imported into the United States from beyond Cape Horn and the Cape of Good Hope until the first day of April, one thousand eight hundred and sixty-three: *And provided further*, That the provisions of this section shall not apply to countries where there is no Consul, Vice-Consul, or Commercial Agent of the United States.

880. SEC. 18. *And be it further enacted*, That from and after the date aforesaid, it shall be the duty of Consuls and Commercial Agents of the United States, having any knowledge or belief of any case or practice of any person or persons who obtain or should obtain verification of invoices as described in the preceding section, whereby

the revenue of the United States is or may be defrauded, to report the facts to the collector of the port where the revenue is or may be defrauded, or to the Secretary of the Treasury of the United States.

881..SEC. 19. *And be it further enacted*, That from and after the passage of this act the act entitled "An act to provide for the payment of outstanding treasury notes, to authorize a loan, to regulate and fix the duties on imports, and for other purposes," approved March two, eighteen hundred and sixty-one, be, and the same is hereby, amended as follows, that is to say: First, in section twelve, before the word "eighteen," where it first occurs, strike out "less than;" second, in section twenty-three, after the words "artists residing abroad," strike out "provided the same be imported in good faith as objects of taste and not of merchandise," and insert "provided the fact, as aforesaid, shall be certified by the artist, or by a Consul of the United States;" and in the same section, before the word "orpiment," insert "ores of gold and silver."

AN ACT making appropriations for the consular and diplomatic expenses of the government for the year ending June thirtieth, eighteen hundred and sixty four, Approved February 4, 1863. Statutes at Large, vol. 12, p. 754. [Statutes at Large. vol. xii, p. 638.]

882.. * * *; and the salary of the consul at Guaymas shall be fifteen hundred dollars per annum, to commence on the fifth day of August, eighteen hundred and sixty-one. * * * * * * * *

AN ACT making appropriations for sundry civil expenses of the government for the year ending June thirty, eighteen hundred and sixty-four, and for the year ending the 30th of June, 1863, and for other purposes. Approved March 3, 1863. Vol. xii, p. 754.

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883..SEC. 24. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized, whenever in his judgment, the public interest may so require, to discontinue the Consulate of the United States at Trinidad de Cuba, and to appoint at Cienfuegos, in that island, a Consul with the same salary and emoluments as those now allowed by law to the Consul at Trinidad de Cuba.

* * * * * * * *

AN ACT to prevent and punish frauds upon the revenue, to provide for the more certain and speedy collection of claims in favor of the United States, and for other purposes. Approved March 3, 1863. [Statutes at Large, vol. xii, p. 737.]

884..*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after

the first day of July, eighteen hundred and sixty-three, all invoices of goods, wares, and merchandise imported from any foreign country into the United States shall be made in triplicate, and signed by the person or persons owning or shipping said goods, wares, or merchandise, if the same have actually been purchased, or by the manufacturer or owner thereof, if the same have been procured otherwise than by purchase, or by the duly authorized agent of such purchaser, manufacturer, or owner; and said invoices shall, at or before the shipment thereof, be produced to the Consul, Vice-Consul, or Commercial Agent of the United States nearest the place of shipment for the use of the United States, and shall have indorsed thereon, when so produced, a declaration signed by said purchaser, manufacturer, owner, or agent, setting forth that said invoice is in all respects true; that it contains (if the goods, wares, and merchandise mentioned therein are subject to ad valorem duty, and were obtained by purchase) a true and full statement of the time when and the place where the same were purchased, and the actual cost thereof, and of all charges thereon; and that no discounts, bounties, or drawbacks are contained in said invoice but such as have actually been allowed thereon; and, when obtained in any other manner than by purchase, the actual market value thereof at the time and place when and where the same were procured or manufactured; and if subject to specific duty, the actual quantity thereof; and that no different invoice of the goods, wares, or merchandise, mentioned in the invoice so produced has been or will be furnished to any one. If said goods, wares, or merchandise have been actually purchased, said declaration shall also contain a statement that the currency in which said invoice is made out is the currency which was actually paid for said goods, wares, or merchandise by the purchaser. And the person so producing said invoice shall at the same time declare to said Consul, Vice-Consul, or Commercial Agent the port in the United States at which it is intended to make entry of said goods, wares, or merchandise; whereupon the said Consul, Vice-Consul, or Commercial Agent shall indorse upon each of said triplicates a certificate, under his hand and official seal, stating that said invoice has been produced to him, with the date of such production, and the name of the person by whom the same was produced, and the port in the United States at which it shall be the declared intention to make entry of the goods, wares, or merchandise therein mentioned. And thereupon the said Consul, Vice-Consul, or Commercial Agent shall deliver to the person producing the same one of said triplicates, to be used in making entry of said goods, wares, or merchandise; shall file another in his office, to be there carefully preserved; and shall, as soon as practicable, transmit the remaining one to the collector of the port of the United States at which it shall be declared to be the intention to make entry of said goods, wares, or merchandise. And no goods, wares, or merchandise imported into the United States from any foreign place or country after said first day of July, eighteen hun-

dred and sixty-three, shall be admitted to an entry unless the invoice presented shall in all respects conform to the requirements hereinbefore mentioned, and shall have thereon the certificate of the Consul, Vice-Consul, or Commercial Agent hereinbefore specified, nor unless said invoice be verified at the time of making such entry by the oath or affirmation of the owner or consignee, or the authorized agent of the owner or consignee thereof, certifying that the said invoice and the declaration thereon are in all respects true, and were made by the person by whom the same purports to have been made, nor, except as hereinafter provided, unless the triplicate transmitted by said Consul, Vice-Consul, or Commercial Agent to the collector shall have been received by him. And if any such owner, consignee, or agent of any goods, wares, or merchandise shall knowingly make, or attempt to make, an entry thereof by means of any false invoice or false certificate of a Consul, Vice-Consul, or Commercial Agent, or. of any invoice which shall not contain a true statement of all the particulars hereinbefore required, or by means of any other false or fraudulent document or paper, or of any other false or fraudulent practice or appliance whatsoever, said goods, wares, and merchandise, or their value, shall be forfeited and disposed of as other forfeitures for violation of the revenue laws: *Provided*, That where, from a change of the destination of any such goods, wares, or merchandise, after the production of the invoice thereof to the Consul, Vice-Consul, or Commercial Agent, as hereinbefore provided, or from other cause, the triplicate transmitted to the collector of the port to which such goods, wares, or merchandise were originally destined shall not have been received at the port where the same actually arrive, and where it is desired to make entry thereof, said goods, wares, and merchandise may be admitted to an entry on the execution by the owner, consignee, or agent of a bond, with sufficient security, in double the amount of duty apparently due, conditioned for the payment of the duty which shall be found to be actually due thereon. And it shall be the duty of the collector of the port where such entry shall be made immediately to notify the Consul, Vice-Consul, or Commercial Agent, to whom such invoice shall have been produced, to transmit to such collector a certified copy thereof; and it shall be the duty of such Consul, Vice-Consul, or Commercial Agent to transmit the same accordingly without delay; and said duty shall not be finally liquidated until such triplicate, or a certified copy thereof, shall have been received: *Provided*, That such liquidation shall not be delayed longer than eighteen months from the time of making such entry: *And provided, further*, That when, from accident or other cause, it shall be impracticable for the person desiring to make entry of any goods, wares, or merchandise to produce, at the time of making such entry, any invoice thereof, as hereinbefore required, it shall be lawful for the Secretary of the Treasury to authorize the entry of such goods, wares, or merchandise, upon such terms and in accordance with

such general or special regulations as he may prescribe. And the Secretary of the Treasury is hereby invested with the like powers of remission in cases of forfeiture arising under this act as in other cases of forfeiture under the revenue laws: *And provided, further,* That the provisions of this act shall not apply to countries where there is no Consul, Vice-Consul, or Commercial Agent of the United States; nor shall anything herein contained be construed to require for goods imported under the reciprocity treaty with Great Britain, signed June fifth, eighteen hundred and fifty-four, any other consular certificate than is now required by law. And this act shall be construed only to modify and not repeal the act of March first, eighteen hundred and twenty-three, entitled "An act supplementary to, and to amend, an act entitled 'An act to regulate the collection of duties on imports and tonnage,' passed March second, one thousand seven hundred and ninety-nine, and for other purposes;" and the form of oaths therein set forth shall be modified accordingly: *And provided, further,* That the provisions of this act shall not apply to invoices of goods, wares, or merchandise imported into any port of the United States from any place beyond Cape Horn or the Cape of Good Hope until the first day of January, eighteen hundred and sixty-four.

AN ACT to increase the internal revenue, and for other purposes. Approved March 7, 1864. [Statutes at Large, vol. xiii, p. 14–17.]

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885. SEC. 8. *And be it further enacted,* That Consuls of foreign countries in the United States, who are not citizens thereof, shall be, and hereby are, exempt from any income tax imposed by the act referred to in the first section of this act, which may be derived from their official emoluments, or from property in such countries: *Provided,* That the governments which such Consuls may represent shall extend similar exemptions to Consuls of the United States.

* * * * * * * *

AN ACT to provide for the collection of hospital dues from vessels of the United States sold or transferred in foreign ports or waters. Approved April 29, 1864. [Statutes at Large, vol. xiii, p. 61.]

886. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in case of the sale or transfer of any vessel of the United States in a foreign port or water, the Consul, Vice-Consul, Commercial Agent, or Vice-Commercial Agent of the United States within whose Consulate or district such sale or transfer shall have been made, or in whose hands the papers of such vessel shall be, be, and he is hereby, authorized and required to collect of the master or agent of such vessel all

moneys that shall have become due to the United States under and by virtue of the act entitled "An act for the relief of sick and disabled seamen,"* approved July sixteenth, seventeen hundred and ninety-eight, and shall remain unpaid at the time of such sale or transfer; and that the said Consul, Vice-Consul, Commercial Agent, or Vice-Commercial Agent (as the case may be) be, and he is hereby, instructed and required to retain possession of the papers of such vessel until such moneys shall have been paid as herein provided; and in default of which, such sale or transfer shall be void, excepting as against the vendor: *Provided*, That this act shall not take effect until the expiration of sixty days from and after its passage.

AN ACT making appropriations for the consular and diplomatic expenses of the government for the year ending the thirtieth of June, eighteen hundred and sixty-five, and for other purposes. Approved June 20, 1864. [Statutes at Large, vol. xiii, p. 137.]

887.. * * And the salaries of the Consuls at Brindisi, Gibraltar, St. Helena, Boulogne, Zurich, Clifton, Coaticook, Erie, Goderich, Kingston in Canada, Port Sarnia, Prescott, St. Lambert and Longueiul, Toronto and Windsor, shall be fifteen hundred dollars each; and the salaries of the Consuls at Ceylon and Piræus shall be one thousand dollars each; and the salary of the Consul at Chin-Kiang shall be three thousand dollars; and the salary of the Consul at Bangkok shall be two thousand dollars; and the salary of the Commercial Agent at Madagascar shall be two thousand dollars; and the salary of the Consul at Nassau shall be four thousand dollars, to commence after the close of the present fiscal year, and to continue during the present rebellion; and the salary of the Consul at Lyons shall be two thousand dollars, to commence after the close of the present fiscal year; and the salary of the Consul at Manchester shall be three thousand dollars, to commence after the close of the present fiscal year. * * * * * *

888.. SEC. 2. *And be it further enacted*, That the President be, and is hereby, authorized, whenever he shall think the public good will be promoted thereby, to appoint Consular Clerks, not exceeding thirteen in number at any one time, who shall be citizens of the United States, and over eighteen years of age at the time of their appointment, and shall be entitled to compensation for their services respectively at a rate not exceeding one thousand dollars per annum, to be determined by the President; and to assign such Clerks, from time to time, to such Consulates and with such duties as he shall direct; and before the appointment of any such Clerk

* The act of July 16, 1798, which imposed a monthly tax upon seamen of 20 cents, was in effect repealed by the act of June 29, 1870. Statutes at Large, vol. xvi, p p. 169–170, sections 1, 4, 5 and 7.

hall be made, it shall be satisfactorily shown to the Secretary of State, after due examination and report by an examining board, that the applicant is qualified and fit for the duties to which he shall be assigned; and such report shall be laid before the President. And no Clerk so appointed shall be removed from office except for cause stated in writing, which shall be submitted to Congress at the session first following such removal.

889..SEC. 3. *And be it further enacted*, That the third section of an act entitled "An act making appropriations for the consular and diplomatic expenses of the government for the year ending the thirtieth of June, eighteen hundred and sixty," approved March third, eighteen hundred and fifty-nine, is hereby repealed. And the fee for certifying invoices to be charged by the Consul General for the British North American Provinces, and his subordinate Consular Officers and Agents, for goods not exceeding one hundred dollars in value, shall be one dollar, and the same fee shall be charged for certifying the growth or production of goods made duty free by the reciprocity treaty: *Provided, however*, That no such certificate of growth or production shall be required for goods not exceeding in value the sum of two hundred dollars.

890..SEC. 4. *And be it further enacted*, That the office of Commercial Agent at Hakodadi, Japan, may, at the discretion of the Secretary of State, be changed to that of Consul, to be classed with Consuls other than those named in Schedules B and C, in the act approved August eighteen, eighteen hundred and fifty-six.

AN ACT making appropriations for the consular and diplomatic expenses of the government for the year ending thirtieth June, eighteen hundred and sixty-five, and for other purposes. Approved June 20, 1864. [Statutes at Large, vol. xiii, p. 138.]

891.. * * * And the Consul General at Alexandria shall have the name and title of Agent and Consul General.

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AN ACT repealing certain provisions of law concerning seamen on board public and private vessels of the United States. Approved June 28, 1864. [Statutes at Large, vol. 13, p. 201.]

892..*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That so much of an act entitled "An act for the regulation of seamen on board the public and private vessels of the United States," approved the third of March, one thousand eight hundred and thirteen, as makes it not lawful to employ on board any of the public or private vessels of the United States any person or persons except citizens of the United States or person[s] of color, natives of the United States;

and so much of the third, fifth, sixth, and seventh sections of "An act concerning the navigation of the United States," approved the first of March, one thousand eight hundred and seventeen, as concerns the crews of vessels therein named; and so much of the first section of an act entitled "An act to repeal the tonnage duties upon ships and vessels of the United States and upon certain foreign vessels," approved the thirty-first of May, one thousand eight hundred and thirty, as makes discrimination in favor of vessels certain proportions of whose crews shall be citizens of the United States, shall be, and the same are hereby, repealed: *Provided, however*, That officers of vessels of the United States shall in all cases be citizens of the United States.

AN ACT to provide ways and means for the support of the government, and for other purposes. Approved June 30, 1864. [Statutes at Large, vol. xiii, p. 305.]

893..SEC. 178. *And be it further enacted*, That Consuls of foreign countries in the United States who are not citizens thereof, shall be, and hereby are, exempt from any income tax imposed by this act which may be derived from their official emoluments or from property in such countries: *Provided*, That the governments which such Consuls may represent shall extend similar exemption to Consuls of the United States.

AN ACT to increase duties on imports, and for other purposes. Approved June 30, 1864. [Statutes at Large, vol. xiii, p. 217.]

* * * * * * *

894..SEC. 27. *And be it further enacted*, That on and after January first, eighteen hundred and sixty-five, the invoices of all goods, wares, and merchandise, imported into the United States, shall be made out in the weights or measures of the country or place from which the importations shall be made, and shall contain a true statement of the actual weights or measures of such goods, wares, and merchandise, without any respect to the weights or measures of the United States.

* * * * * * *

AN ACT further to regulate the carriage of passengers in steamships and other vessels. Approved July 4, 1864. [Statutes at Large, vol. xiii, p. 391.]

895..SEC. 5. *And be it further enacted*, That the master or commander of any vessel carrying passengers from any port or ports in the United States to any port or place in Mexico or Central America shall, immediately on arriving at such last-mentioned port or place, deliver to the United States Consul, Vice-Consul, or Commercial Agent at such port two copies of the list of passengers required to be kept on such vessel by said section thirty-five of the act of August

thirty, eighteen hundred and fifty-two, embracing all the passengers on board the vessel at any time during its voyage up to its said arrival, and duly verified by the oath of such master or commander, and by the inspection of the Consul, Vice-Consul, or Commercial Agent previous to or at the landing of the passengers; one of which copies the said Consul, Vice-Consul, or Commercial Agent shall file in his office, and the other of which he shall transmit, without delay, to the collector of the port in the United States from which the vessel last cleared. And if such master or commander shall refuse or neglect to comply with the requirements of this section, or shall knowingly make a false return of the list of passengers, he, together with the owner or owners of said vessel, shall be subject to a fine of not less than ten thousand dollars, and such fine shall be a lien upon the vessel until paid. * * * * *

896.. SEC. 7. *And be it further enacted,* That if the owner or owners, master, commander, or other person in charge of any steamboat, or other vessel, shall willfully present, or cause to be presented, any false or fraudulent list or lists of its passengers, or copies thereof, to any Consul, Vice-Consul, Commercial Agent, collector, or other custom-house officer, or of the departure-permit to any pilot, he or they shall be held guilty of misdemeanor, and on conviction thereof shall be imprisoned for a term not exceeding two years; and the vessel shall be liable to seizure and forfeiture. * * * *

897.. SEC. 10. *And be it further enacted,* That all steamers and other vessels belonging to a citizen or to citizens of the United States, and bound from any port in the United States to any other port therein, or to any foreign port, or from any foreign port to any port in the United States, shall, before clearance, receive on board all such bullion, coin, United States notes, and bonds, and other securities as the government of the United States or any department thereof, or any Minister, Consul, Vice-Consul, or Commercial or other Agent of the United States abroad shall offer, and shall securely convey and promptly deliver the same to the proper authorities or consignees on arriving at the port of destination, and shall receive for such service such reasonable compensation as may be allowed to other carriers in the ordinary transactions of business.

* * * * * * * *

AN ACT further to provide for the verification of invoices. Approved March 3, 1865. [Statutes at Large, vol. xiii, p. 532.

898.. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all Consular Officers of the United States be, and they are hereby, authorized to require, before certifying any invoice or invoices under the provisions of the first section of the act entitled "An act to prevent and punish frauds upon the revenue, to provide for the more certain and speedy

collection of claims in favor of the United States, and for other purposes," approved March third, eighteen hundred and sixty-three, satisfactory evidence, either by the oath of the person or persons presenting such invoices or otherwise, that such invoices are correct and true: *Provided*, That in the exercise of the discretion hereby given, the said Consular Officers shall be governed by such general or special regulations or instructions as may from time to time be established or given by the Secretary of State.

AN ACT making appropriations for the consular and diplomatic expenses of the government for the year ending thirtieth June, eighteen hundred and sixty-seven, and for other purposes. Approved July 25, 1866. [Statutes at Large, vol. xiv, p. 224.]

899..* * * The compensation of the Consuls at Malta, Saint John, (Canada East,) Nice, Lisbon, Santa Cruz, Tampico, Prince Edward Island, Barcelona, Saint Catherine's in Brazil, and Nantes, is established at fifteen hundred dollars each annually, and the compensation of the Consul at Hankow is established at three thousand dollars annually. * * * * * *

For salaries of Commissioners and Consuls General to Hayti, Liberia, and Dominica, nineteen thousand dollars; and the title of these Diplomatic Representatives shall be hereafter Minister Resident and Consul General, with no increase of salary. * *

900..SEC. 3. *And be it further enacted*, That all fees collected by any Consul or Commercial Agent not mentioned in Schedule B or C, or by any Vice-Consul or Commercial Agent appointed to perform their duties, or by any other person in their behalf, shall be accounted for to the Secretary of the Treasury in the same mode and manner as is provided for in section eighteen of the act approved August eighteen, eighteen hundred and fifty-six, entitled "An act to regulate the diplomatic and consular system of the United States." And when the fees so collected by any such Consul or Commercial Agent amount to more than twenty-five hundred dollars in any one year, over and above the expenses of office rent and clerk hire, to be approved by the Secretary of State, of which return shall be made to the Secretary of the Treasury, the excess for that year shall be paid to the Secretary of the Treasury, in the mode provided for by said act." * * * * * *

AN ACT making appropriations for sundry civil expenses of the government for the year ending June thirtieth, eighteen hundred and sixty-seven, and for other purposes. Approved July 28, 1866. [Statutes at Large, vol. 14, p. 322.]

901..SEC. 11. *And be it further enacted*, That the provisions of the act to carry into effect the treaties between the United States and

* See circulars of the Secretary of State No. 62, 1866, and No. 62, March, 1867.

China, Japan, Siam, Persia, and other countries, giving certain judicial powers to Ministers and Consuls or other functionaries of the United States in those countries, and for other purposes, approved June twenty-second, eighteen hundred and sixty, shall extend to Egypt; and the Consul General at Alexandria shall have the power provided by section twenty-two of such act for the Consul General or Consul residing at the capital of a country where there is no Minister. * * * * * *

AN ACT making appropriations for the consular and diplomatic expenses of the government for the year ending thirtieth June, eighteen hundred and sixty-eight, and for other purposes. Approved February 28, 1867. [Statutes at Large, vol. xiv, p. 412.]

902..*Be it enacted*, * * That the salary of the Consul at Chemnitz shall be two thousand dollars per annum. And the salaries of the Consuls at Rome, Quebec, Munich, and Spezzia, respectively, shall be fifteen hundred dollars, and the salary at Spezzia shall take effect from the beginning of the present fiscal year.

903 * * No money appropriated by this act shall be applied to the payment of salary or compensation to any Diplomatic Representative of any grade, or to any Consul or Commercial Agent of the United States, who is not a citizen of the United States, native or duly naturalized.

904 * * For the salary of Consul at Mahè (Seychelle Islands) and at San Domingo, which Consulates are hereby established and added to Schedule B, fifteen hundred dollars each, three thousand dollars.

AN ACT making appropriations for the consular and diplomatic expenses of the government for the year ending thirtieth June, eighteen hundred and sixty-nine, and for other purposes. Approved March 30, 1868. [Statutes at Large, vol. xv, p. 57.)

905.. * * * * * * *

SCHEDULE C.

Amoor River, Apia, Gaboon, Saint Paul de *Loando*, [Loanda,] including loss by exchange, thereon, four hundred thousand dollars, and the salary of the Consul at Guaymas shall be one thousand dollars per annum: *Provided*, That all moneys received for fees at any Vice-Consulates or Consular Agencies of the United States, beyond the sum of one thousand dollars in any one year, and all moneys received by any Consul or Consul General from Consular Agencies or Vice-Consulates in excess of one thousand dollars in the aggregate from all such Agencies or Vice-Consulates, shall be accounted for and paid into the treasury of the United States, and no greater sum than five hundred dollars shall be allowed for the expenses of any

Vice-Consulate or Consular Agency for any one year: *Provided,* That hereafter the compensation of Consuls whose annual salaries do not, under existing law, exceed one thousand five hundred dollars, and the fees collected at the Consulates where they are located and paid into the treasury of the United States amount to three thousand dollars, shall be two thousand dollars per annum.

* * * * * * *

906. SEC. 2. *And be it further enacted,* That any officer of the army or navy of the United States who shall, after the passage of this act, accept or hold any appointment in the diplomatic or consular service of the government, shall be considered as having resigned his said office, and the place held by him in the military or naval service shall be deemed and taken to be vacant, and shall be filled in the same manner as if the said officer had resigned the same.

907. SEC. 3. *And be it further enacted,* That no Diplomatic or Consular Officer shall receive salary for the time during which he may be absent from his post by leave or otherwise, if such absence shall exceed sixty days in any one year. * * * *

AN ACT to amend section one of "An act to prevent and punish frauds upon the revenue, and for other purposes," approved March third, eighteen hundred and sixty-three. Approved July 27, 1868. [Statutes at Large, vol. xv, p. 226.]

908. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the act entitled "An act to prevent and punish frauds upon the revenue, to provide for [the] more certain and speedy collection of claims in favor of the United States, and for other purposes," approved March third, eighteen hundred and sixty-three, be, and the same is hereby, amended by adding to section one thereof an additional proviso, as follows: *And provided further,* That in case of goods, wares, and merchandise imported from a foreign country adjacent to the United States, the declaration in this section hereinbefore required may be made to, and the certificate indorsed by, the Consul, Vice-Consul, or Commercial Agent, at or nearest to the port or place of clearance for the United States.

AN ACT authorizing the admission in evidence of copies of certain papers, documents, and entries. Approved January 8, 1869. [Statutes at Large, vol. xv, p. 266.]

909. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That copies of all official papers and documents belonging to, and filed or remaining in the office of any Consul, Vice-Consul, or Commercial Agent of the

United States, and of all official entries in the books or records of any such office, shall, when certified under the hand and official seal of the proper Consul, Vice-Consul, or Commercial Agent, be admissible in evidence in all the courts of the United States.

AN ACT making appropriations for the consular and diplomatic expenses of the government for the year ending June thirtieth, eighteen hundred and seventy, and for other purposes. Approved March 3, 1869. [Statutes at Large, vol. xv, p. 319.]

* * * * * *

910..SEC. 2. *And be it further enacted*, That no Diplomatic or Consular Officer shall receive salary for the time during which he may be absent from his post (by leave or otherwise) beyond the term of sixty days in any one year: *Provided*, That the time equal to that usually occupied in going to and from the United States in case of the return, on leave, of such Diplomatic or Consular Officer to the United States, may be allowed in addition to said sixty days; and section three of act of March thirtieth, eighteen hundred and sixty-eight, is hereby repealed.

911..SEC. 3. *And be it further enacted*, That the fee provided by law for the verification of invoices by Consular Officers shall, when paid, be held to be a full payment for furnishing blank forms of declaration to be signed by the shipper, and for making, signing, and sealing the certificate of the Consular Officer thereto; and any Consular Officer who, under pretense of charging for blank forms, advice, or clerical services in the preparation of such declaration or certificate, shall charge or receive any fee greater in amount than that provided by law for the verification of invoices, or who shall demand or receive for any official services, or who shall allow any clerk or subordinate to receive for any such service any fee or reward other than the fee provided by law for such service, shall be deemed guilty of a misdemeanor, and shall be dismissed from office, and on conviction before any court of the United States having jurisdiction of like offenses be punished by imprisonment not exceeding one year, or by fine not exceeding two thousand dollars. And hereafter no Consul, Vice-Consul, or Consular Agent in the dominion of Canada, shall be allowed tonnage fees for any services, actual or constructive, rendered any vessel owned and registered in the United States that may touch at a Canadian port; and that in the collection of official fees they shall receive foreign moneys at the rate given in the treasury schedule of the value of foreign coins. And hereafter, in cases of vessels making regular daily trips between any port of the United States and any port in the dominion of Canada, wholly upon interior waters not navigable to the ocean, no tonnage or clearance fees shall be charged against such vessels by the officers of the United States, except upon the first clearing of said vessel in each year. * * * * *

912.. SEC. 5. *And be it further enacted,* That any Consular Officer of the United States who shall willfully neglect to render true and just quarterly accounts and returns of the business of his office, and of moneys received by him for the use of the United States, or who shall neglect to pay over any balance of such moneys which may be due to the United States, at the expiration of any quarter, before the expiration of the next succeeding quarter, shall be deemed guilty of embezzlement of the public moneys, and shall, on conviction thereof, before any court of the United States having jurisdiction of like offenses, be punished by imprisonment not exceeding one year, and by a fine not exceeding two thousand dollars, and shall be forever disqualified from holding any office of trust or profit in the United States.

SEC. 6. *And be it further enacted,* That no Consul General or Consul now holding, or who shall hereafter hold, either of said offices, shall be permitted to hold the office of Consul General or Consul at any other Consulate, or exercise the duties thereof; and hereafter there shall only be allowed to any Vice-Consulate or Consular Agency, for expenses thereof, an amount sufficient to pay for stationery and postage on official letters.

* * * * *

No. 3. A RESOLUTION relative to consular fees. Approved March 26, 1869. [Statutes at Large, vol. xvi, p. 51.]

913.. *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That section three of chapter two hundred and thirty-three of the public acts of the thirty-ninth Congress, approved July twenty-five, eighteen hundred and sixty-six, be, and is hereby, declared to take effect from and after January first, eighteen hundred and sixty-seven. And all fees which have been paid into the treasury in obedience to the provision of said section, and which accrued prior to said first day of January, eighteen hundred and sixty-seven, shall be refunded out of "consular receipts."

AN ACT to reorganize the marine hospital service, and to provide for the relief of sick and disabled seamen. Approved June 29, 1870. Vol. xvi, p. 169.

914.. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the first day of August, eighteen hundred and seventy, there shall be assessed and collected by the collectors of customs at the ports of the United States, from the masters or owners of every vessel of the United States arriving from a foreign port, or of registered vessels employed in the coasting trade, the sum of forty cents per month for each and every seaman who shall have been employed

on said vessel since she was last entered at any port of the United States, which sum said master or owner is hereby authorized to collect and retain from the wages of said employés.

915..SEC. 2. *And be it further enacted*, That from and after the first day of August no collector shall grant to any vessel whose enrollment or license for carrying on the coasting trade has expired; a new enrollment or license, unless the master of such vessel shall have first rendered a true account to the collector of the number of seamen and the time they have been employed on such vessel during the continuance of the license which has so expired, and shall have paid to such collector forty cents per month for every such seaman who shall have been employed as aforesaid, which sum the said master is hereby authorized to retain out of the wages of such seaman; and if the master of any registered, enrolled, or licensed vessel of the United States shall render a false account of the number of seamen so employed, or of the length of time they have severally been employed, as is herein required, he shall forfeit and pay fifty dollars, which shall be applied to, and shall make a part of, the general fund created by this act, and all needful regulations for the mode of collecting the sums hereinbefore mentioned shall be prepared under the direction of the Secretary of the Treasury, by such person as by him may be designated.

916..SEC. 3. *And be it further enacted*, That it shall be the duty of the several collectors to deposit the sums collected by them respectively under the provisions of this act, in the nearest United States depository, to the credit of "the fund for the relief of sick and disabled seamen;" making returns of the same with proper vouchers monthly, on forms to be furnished by the Secretary of the Treasury.

917..SEC. 4. *And be it further enacted*, That all moneys received or collected by virtue of this act shall be paid into the treasury like other public moneys, without abatement or reduction; and all moneys so received are hereby appropriated for the expenses of the marine hospital service, and shall be credited to the marine hospital fund, of which separate accounts shall be kept.

918..SEC. 5. *And be it further enacted*, That the fund thus obtained shall be employed, under the direction of the Secretary of the Treasury, for the care and relief of sick and disabled seamen employed in registered, enrolled, and licensed vessels of the United States.

919..SEC. 6. *And be it further enacted*, That the Secretary of the Treasury is hereby authorized to appoint a surgeon to act as supervising surgeon of marine hospital service, whose duty it shall be, under the direction of the Secretary, to supervise all matters connected with the marine hospital service, and with the disbursement of the fund provided by this act, at a salary not exceeding the rate of two thousand dollars per annum, and his necessary traveling expenses, who shall be required to make monthly reports to the Secretary of the Treasury.

920..SEC. 7. *And be it further enacted*, That, for the purposes of this act, the term "vessel," herein used, shall be held to include every description of water craft, raft, vehicle, and contrivance used or capable of being used as a means or auxiliary of transportation on or by water. And all acts and parts of acts inconsistent or in conflict with the provisions of this act be, and the same are hereby, repealed.

Approved June 29, 1870.

AN ACT to amend an act entitled "An act to carry into effect provisions of the treaties between the United States, China, Japan, Siam, Persia, and other countries, giving certain judicial powers to Ministers and Consuls, and other functionaries of the United States in those countries, and for other purposes," approved June twenty-second, eighteen hundred and sixty. Approved July 1, 1870. [Statutes at Large, vol. xvi, p. 183.]

921..*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the act of Congress entitled "An act to carry into effect provisions of the treaties between the United States, China, Japan, Siam, Persia, and other countries, giving certain judicial powers to Ministers and Consuls, or other functionaries of the United States in those countries, and for other purposes," approved June twenty-second, eighteen hundred and sixty, as far as the same is in conformity with the stipulations of the treaty with Madagascar, is hereby extended to that country, and it shall be executed in conformity with the provisions of the treaty and the usages of Christian nations in such cases; and the act shall, in the same manner, extend to any country of like character with which the United States may hereafter enter into treaty relations.

922..SEC. 2. *And be it further enacted*, That the superior judicial authority conferred on the Consul General or Consul residing at the capital of any country mentioned in such act, or herein provided for, including the power to make decrees and regulations, is hereby vested in the Secretary of State for the time being.

923..SEC. 3. *And be it further enacted*, That when any final judgment of the Minister to China, or to Japan, is given in the exercise of original or of appellate criminal jurisdiction, the person charged with the crime or offense, if he considers the judgment erroneous in point of law, may appeal therefrom to the circuit court for the district of California; but such appeal shall not operate as a stay of proceedings, unless the Minister shall certify that there is probable cause to grant the same, when the stay shall be such as the interests of justice may require.

924..SEC. 4. *And be it further enacted*, That on any final judgment in a Consular Court of China or Japan where the matter in dispute exceeds five hundred dollars, and does not exceed two thousand five hundred dollars, exclusive of costs, an appeal shall be allowed to the

Minister in such country, as the case may be: *Provided*, That the appellant complies with the conditions established by general regulations; and the Ministers are hereby authorized and required to receive, hear, and determine such appeals.

925. SEC. 5. *And be it further enacted*, That where the matter in dispute, exclusive of costs, exceeds the sum of two thousand five hundred dollars, an appeal shall be allowed to the circuit court for the district of California; and upon such appeal a transcript of the libel, bill, answer, depositions, and all other proceedings in the cause shall be transmitted to the circuit court; and no new evidence shall be received on the hearing of the appeal; and the appeals shall be subject to the rules, regulations, and restrictions prescribed in law for writs of error from district courts of the United States.

926. SEC. 6. *And be it further enacted*, That on any final judgment of the Minister to China, or to Japan, given in the exercise of original jurisdiction, where the matter in dispute, exclusive of costs, exceeds two thousand five hundred dollars, an appeal shall be allowed to the circuit court as provided in the last section.

927. SEC. 7. *And be it further enacted*, That the circuit court of California is hereby authorized and required to receive, hear, and determine the appeals provided for in this act, and the decisions of such court shall be final.

928. SEC. 8. *And be it further enacted*, That the appeals allowed by this act shall be only in cases arising after its passage.

929. SEC. 9. *And be it further enacted*, That the President is hereby authorized to allow in the adjustment of the accounts of the Consul General at Shanghai, the actual expense of the rent of a suitable building, to be used as a prison for American convicts in China, not to exceed one thousand five hundred dollars a year; and also the wages of the keepers of the same, and for the care of offenders, not to exceed five thousand dollars a year; and to allow in the adjustment of the accounts of the Consuls at other ports in China the actual expense of the hire of constables and the care of offenders, not to exceed in all five thousand dollars a year.

930. SEC. 10. *And be it further enacted*, That the President is hereby authorized to allow, in the adjustment of the accounts of the Consul at Kanagawa, the actual expense of the rent of a suitable building, to be used as a prison for American convicts in Japan, not to exceed seven hundred and fifty dollars a year; and also the wages of the keepers of the same, and for the care of offenders, not to exceed two thousand five hundred dollars a year; and to allow in the adjustment of the accounts of the Consuls at other ports in Japan the actual expense of the hire of constables and the care of offenders, not to exceed in all two thousand five hundred dollars a year.

Acts of July 11 *and* 15, 1870.

AN ACT making appropriations for the consular and diplomatic expenses of the government for the year ending June thirty, eighteen hundred and seventy-one, and for other purposes. Approved July 11, 1870. [Statutes at Large, vol, xvi, p. 218.]

931.. *Be it enacted, &c.*

* * * * * * *

SEC. 2. *And be it further enacted,* That the President is authorized, on the recommendation of the Secretary of the Treasury, to cause examinations to be made into the accounts of the Consular Officers of the United States, and into all matters connected with the business of their said offices, and to that end he may appoint such agent or agents as may be necessary for that purpose; and any agent, when so appointed, shall, for the purpose of making said examinations, have authority to administer oaths and take testimony, and shall have access to all the books and papers of all Consular Officers. And any agent appointed in this behalf shall be paid for his services a just and reasonable compensation, in addition to his actual necessary expenses, the same to be paid out of the sum appropriated for consular salaries; but no greater sum than ten thousand dollars shall be expended as compensation of such agent or agents in any one year. And the President shall communicate to Congress, at the commencement of every December session, the names of the agents so appointed, and the amount paid to each, together with the reports of such agents; and that any agent or agents appointed under this section shall receive an annual salary of five thousand dollars, in addition to the expenses heretofore allowed, the same to be paid out of the sum appropriated for consular salaries.

AN ACT making appropriations for sundry civil expenses of the government for the year ending June thirty, eighteen hundred and seventy-one, and for other purposes. Approved July 15, 1870. [Statutes at Large, vol. xvi, p. 306.]

932.. *Be it enacted, &c.*

* * * * * * *

To pay salary of the Consul at Port Said, Egypt, two thousand dollars.

* * * * * * *

APPENDIX No. IV.

FORMS.

In order to preserve uniformity in the transaction of consular business, the following forms have been prepared. They exhibit the character and kind of service Consular Officers may be called upon to perform. These forms are referred to in the Regulations prescribed by the President for the guidance of Consular Officers, and are to be observed by them in the transaction of official business.

Certain of the forms most frequently used are supplied to Consular Officers by the Department of State. Consuls may cause others to be printed on thin paper, and on sheets not unnecessarily large. When the printed sheets are not filled by the return, they can be reduced in size before transmission to the Department. The observance of these precautions lessens the expense of postage. Consuls will be careful to sign all forms to which their signatures are required.

The arrangement and numeration of these forms having been changed, a table is given showing the numbers as arranged in the last edition of the Consular Regulations (issued in 1867) and the present numbers.

TABLE OF REFERENCE TO FORMS IN PREVIOUS REGULATIONS.

Old numbers.	Present numbers.	Old numbers.	Present numbers.	Old numbers.	Present numbers.	Old numbers.	Present numbers.	Old numbers.	Present numbers.	Old numbers.	Present numbers.
1	117	29	18	56	28	83	62	110	77	137	83
2	2	30	21	57	121	84	63	111	91	138	98
3	3	31	22	58	.....	85	64	112	10	139	99
4	4	32	23	59	35	86	65	113	147	140	101
5	.....	33	105	60	36	87	66	114	148	141	109
6	.....	34	.....	61	37	88	67	115	149	142	126
7	8	35	106	62	38	89	68	116	32	143	127
8	94	36	103	63	39	90	69	117	150	144	128
9	95	37	11	64	40	91	70	118	151	145	129
10	122	38	12	65	41	92	59	119	152	146	137
11	110	39	13	66	42	93	33	120	153	147	138
12	111	40	92	67	43	94	16	121	.....	148	130
13	112	41	15	68	44	95	17	122	155	149	29
14	113	42	.....	69	47	96	71	123	107	150	131
15	118	43	26	70	48	97	72	124	108	151	132
16	87	44	96	71	49	98	73	125	100	152	.....
17	93	45	97	72	50	99	139,&c	126	102	153	.....
18	30	46	9	73	51	100	.....	127	104	154	.....
19	31	47	116	74	52	101	.....	128	115	155	.....
20	123	48	20	75	53	102	.....	129	85	156	79
21	114	49	34	76	54	103	74	130	86	157	78
22	.....	50	45	77	55	104	75	131	1	158	82
23	.....	51	46	78	56	105	19	132	125	159	81
24	133	52	.....	79	57	106	24	133	124	160	119
25	.....	53	.....	80	58	107	25	134	5	161	120
26	88	54	.....	81	60	108	27	135	.....	162	134
27	89	55	.....	82	61	109	76	136	11	163	136
28	90										

Forms arranged in the order in which they are referred to in the text.

FORM No. 1.

Oath of allegiance. (Paragraph 17.)

I, ———, do solemnly ——— that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted nor attempted to exercise the functions of any office whatever under any authority or pretended authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power or constitution, within the United States, hostile or inimical thereto. And I do further swear (or affirm) that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

Sworn to and subscribed before me this ——— day of ———.

FORM No. 2.

Bond by Consular Officers in Schedule B. (Paragraph 17.)

Know all men by these presents, that we, ——— ——— and ——— ———, are held and firmly bound to the United States of America in the sum of ——— thousand dollars, money of the said United States, to the payment whereof we bind ourselves, jointly and severally, our joint and several heirs, executors, and administrators.

Witness our hands and seals this ——— day of ———, 18—.

The condition of the above obligation is such, that if the above bounden ——— ———, appointed ——— of the United States at ———, shall truly and faithfully discharge the duties of his said office according to law, and shall truly and faithfully account for, pay over, and deliver up all fees, moneys, goods, effects, books, records, papers, and other property which shall come to the hands of the said ——— ———, or to the hands of any person for his use, as such ———, under any law now or hereafter enacted, and that he will

Form 2.

truly and faithfully perform all other duties now or hereafter lawfully imposed upon him as such ———. And these presents are subject to this other and further condition, that he, the said ——— ———, will not, while he holds the said office, be interested in or transact any business as a merchant, factor, broker, or other trader, or as a clerk or other agent for any such person to, from, or within the port, place, or limits of his ———, directly or indirectly, either in his own name or in the name, or through the agency, of any other person; and in case he, the said ——— ———, shall violate the provisions of this condition, that then the above-named obligors shall be liable to said obligees, to a penalty for the breach of such condition in a sum equal to the amount of the annual compensation of said ——— ——— which is hereby stipulated, agreed upon, and admitted by way of liquidated damages; but that this condition shall not impair or prevent the right of the United States to prosecute said ——— ——— for the recovery of said penalty against him, the said ——— ———, individually, the same as if this bond had not been given; and if the said ——— ——— shall conform to all the above conditions, then this obligation to be void; otherwise, to remain in full force.

——— ———. [L. S.]
——— ———. [L. S.]
——— ———. [L. S.]

Signed, sealed, and delivered in the presence of us—

——— ———.
——— ———.

NOTE.—The following instructions must be particularly observed and complied with in the execution of a bond in either Form 1, 2, or 3:

1st. The Christian names must be written in the body of the bond in full, and so signed to the bond.

2d. A seal, which means an impression upon wax, wafer, or some other tenacious substance capable of being impressed, to be attached to each signature. A mere scroll written or printed upon the paper, though called a seal by the law of some of the States and Territories, is not such a seal as satisfies the requisition of the statute and of the Department.

3d. Each signature must be made in the presence of two persons, who must sign their names as witnesses.

4th. The United States attorney of the district in which the sureties reside must certify that they are sufficient to pay the penalty of the bond, and are citizens of the United States.

5th. Bond to be dated, and signed by the consul and his sureties.

6th. The name of the State, county, and town in which the sureties reside should be stated in the certificate of the district attorney.

Forms 3 and 4.

FORM No. 3.

Bond by Consular Officers in Schedule C. (Paragraph 17.)

Know all men by these presents, that we, ——— ——— and ——— ———, are held and firmly bound to the United States of America in the sum of $——— thousand dollars, money of the said United States, to the payment whereof we bind ourselves, jointly and severally, our joint and several heirs, executors, and administrators.

Witness our hands and seals, this ——— day of ———, 18—.

The condition of the above obligation is such, that if the above bounden ——— ———, appointed ——— of the United States at ———, shall truly and faithfully discharge the duties of his said office, according to law, and shall truly and faithfully account for, pay over, and deliver up all fees, moneys, goods, effects, books, records, papers, and other property which shall come to the hands of the said ——— ———, or to the hands of any person for his use as such ———, under any law now or hereafter enacted, and that he will truly and faithfully perform all other duties now or hereafter lawfully imposed upon him as such ———, then this obligation to be void; otherwise, to remain in full force.

——— ———. [L. S.]
——— ———. [L. S.]
——— ———. [L. S.]

Signed, sealed, and delivered in presence of—

——— ———.
——— ———.

[For mode of execution, see note to Form 2.]

FORM No. 4.

Bonds by Consuls and Commercial Agents not in Schedules B or C. (Paragraph 17.)

Know all men by these presents, that we, ——— ——— and ——— ———, are held and firmly bound to the United States of America in the sum of ——— thousand dollars, money of the said United States, to the payment whereof we bind ourselves, jointly and severally, our joint and several heirs, executors, and administrators.

Witness our hands and seals, this ——— day of ———, 18—.

The condition of the above obligation is such, that if the above bounden ——— ———, appointed ——— of the United States at ———, shall truly and faithfully discharge the duties of his said office according to law, and also shall truly and faithfully account for, pay over, and deliver up all moneys, goods, effects, books,

Form 5.

records, papers, and other property which shall come to the hands of the said ——— ———, or to the hands of any person for his use as such ———, under any law now or hereafter enacted, and that he will faithfully perform all other duties now or hereafter lawfully imposed upon him as such ———, then this obligation to be void; otherwise, to remain in full force.

——— ———. [L. S.]
——— ———. [L. S.]
——— ———. [L. S.]

Signed, sealed, and delivered in presence of—

——— ———.
——— ———.

[For mode of execution see note to Form 2.]

FORM No. 5.

Joint Certificate of the outgoing and incoming Officers. (Paragraph 70.)

——— OF THE UNITED STATES AT ———.

[Date.]

We certify, on this the ——— day of ———, the services of A B ceased, and he is entitled to his salary, or fees, including said day; and that the services of C D commenced the day following, he having received the archives, a full and complete inventory of which is hereto annexed, as required by the Consular Regulations, Chapter XXIII.

———, *U. S. Consul.*
———, *late U. S. Consul.*

Form 6.

FORM No. 6.

Form for the first (or outside) page of a Dispatch. (Paragraph 86.)

[For the form of the same dispatch, see No. 7.]

[No.——.] UNITED STATES CONSULATE AT ———.

Mr. ——— *to the Department of State:*

Subject.—Loss of ship Boston.

Abstract of Contents.

Ship lost at sea Aug. 10, 1870; crew saved by British brig London. An acknowledgment recommended. Master's protest inclosed.

FORM No. 7.

Form for a dispatch and inclosure. (Paragraph 86.)

[This dispatch should commence on the 3d page of the 1st sheet.]

[No. ——.] UNITED STATES CONSULATE,
——— ———, 187—.

Hon. ASSISTANT [OR SECOND ASSISTANT] SECRETARY OF STATE,
Washington, D. C.

SIR: I have to report that on the 10th instant the ship Boston, of New York, bound for this port, took fire at sea in latitude ——, longitude ——, —— miles distant from this port. No passengers were on board. The officers and crew took to the boats, after vain efforts to save the vessel and cargo. They were rescued and brought into this port by the British brig London, John Fox, master, whose conduct on the occasion was such as to lead me to recommend that it be suitably acknowledged by the government of the United States. The details of the loss will be found in the protest of the master, a copy of which is inclosed. The crew are entirely destitute, and have been relieved at this Consulate. They will be returned to the United States by the earliest opportunity.

I am, sir, your obedient servant,

———, *Consul.*

[Inclosure.]

1. Copy of protest of master of ship Boston, dated August 30, 1870

FORM No. 8.

Address of Envelopes. (Paragraph 91.)

CONSULATE OF THE UNITED STATES OF AMERICA AT ———.

To the
Secretary of State,
Washington,
D. C.

The words "Commerce," "Accounts," should be written in the left-hand lower corner when the dispatch relates exclusively to either of these subjects.

Forms 9 and 10.

FORM No. 9.

Consular Passport. (Paragraph 103.)

CONSULATE OF THE UNITED STATES OF AMERICA.

To all to whom these presents shall come, greeting:

Age, — years.
Stature,
Forehead,
Eyes,
Nose,
Mouth,
Chin,
Hair,
Complexion,
Face,

I, the undersigned, Consul of the United States of America for ———, and the dependencies thereof, hereby request all whom it may concern to permit safely and freely to pass ——— ———, a citizen of the United States, and, in case of need, to give him all lawful aid and protection.

Given under my hand and the seal of the Consulate at ———, this —— day of ———, A. D. 18—, and in the year of the Independence of the United States ———.

[SEAL.] ——— ———.

FORM No. 10.

Form for a Visa of a Passport. (Paragraph 104.)

CONSULATE OF THE UNITED STATES OF AMERICA AT ———.

———, ——— —, 187–.

Good for [the place to which the holder of the passport is going.]

———— ————,

United States Consul.

Forms 11 *and* 12.

FORM No. 11.

Qualified Passport under the Act of February 10, 1855. (Paragraph 116.)

CONSULATE OF THE UNITED STATES OF AMERICA.

To all to whom these presents shall come, greeting:

Description.

Age, — years.

Stature, — feet, — inches, Eng.

Forehead,

Eyes,

Nose,

Mouth,

Chin,

Hair,

Complexion,

Face,

[*Signature of the bearer.*]

I, the undersigned, Envoy Extraordinary, &c., [or Minister Resident, &c.,] hereby request all whom it may concern to permit safely and freely to pass ——— ———, a citizen of the United States, and, in case of need, to give him [or her] all lawful aid and protection; but the right of the said ——— ——— to ask of the United States, its officers and agents, such aid and protection, is limited and qualified by the obligations and duties which attach to him [or her] under the laws of the Kingdom [Empire or Republic] of ———, in which he [or she] was born, (his [or her] father being then a citizen of the United States,) and where he [or she] now resides.

Given, &c.

[SEAL.]

FORM No. 12.

Certificate to be used in prosecutions of masters of vessels for refusal to deposit papers. (Paragraph 121.)

UNITED STATES CONSULATE, ———, 18—.

SIR: A penalty is supposed to have been incurred by [*James Johnson,*] of [*New Orleans, commander of the brig Jackson, of that place,*] for a violation of the ——— section of the act of ———, (— U. S. Statutes at Large, p. —,) for [*refusing to deposit the papers of the said brig with such Consul,*] and for which he is liable to be prosecuted in my name, as Consul of the United States for this port.

You, or the proper law officer of the United States, are authorized, at their proper costs and charges, to institute in my name a suit to recover the same for their use and benefit, and the same to control, and to discharge, according to law, in such court having jurisdiction thereof, as you or he shall deem proper.

Witness my hand and consular seal.

——— ———,

[L. S.] *U. S. Consul.*

Hon. ——— ———,

Secretary of State.

Forms 13 *and* 14.

FORM No. 13.

Certificate given to master on deposit of ship's register or papers. (Paragraph 122.)

CONSULATE OF THE UNITED STATES OF AMERICA AT ———,
———, 18—.

I, the undersigned, Consul of the United States of America for ———, and the dependencies thereof, do hereby certify that ——— ———, master of the ———, has duly deposited in this Consulate the register of the said ———, together with the crew list and shipping articles.

Given under my hand and the seal of this Consulate, the day and year above written.

[L. S.] ——— ———,
U. S. Consul.

FORM No. 14.

Certificate given to master on delivery of ship's register and papers. (Paragraph 123.)

CONSULATE OF THE UNITED STATES OF AMERICA AT———,
———, 18—.

I, the undersigned, Consul of the United States of America for ———, and the dependencies thereof, do hereby certify that ——— ———, master of the ship or vessel called the ———, of ———, having this day exhibited to me the clearance of said vessel from the proper authorities of this port, I have delivered to him, the said master, the register and papers of the said vessel, duly deposited in this Consulate on the ——— day of ———, 18—.

Given under my hand and the seal of this consulate, the day and year above written.

[L. S.] ——— ———,
U. S. Consul.

Forms 15 *and* 16.

FORM No. 15.

Certificate of discharge of seamen, to be attached to crew list and shipping articles. (Paragraph 136.)

CONSULATE OF THE UNITED STATES OF AMERICA AT ———,
———, 18—.

I, the undersigned, Consul, etc., etc., do hereby certify that the *under-named* seamen or mariners have been duly discharged at this port from the ——— of ———, according to law; ——— ———, the master of the said ———, having deposited in this Consulate the extra wages as hereinafter set opposite to their names, respectively, viz:

Date of discharge.	Name of seaman or mariner.	Number of months' extra wages.	Amount.

Given, &c. ——— ———.

FORM No. 16.

Certificate given to seamen at the time of discharge. (Paragraph 136.)

CONSULATE OF THE UNITED STATES OF AMERICA AT ———,
———, 18—.

I hereby certify that ——— ——— has been duly discharged, according to law, from the ———, of ———.

——— ———,
(Seal of the consulate.) *U. S. Consul.*

Gratis.

NOTE.—Duplicate discharges will not be granted to the seaman or mariner in the event of the loss of the original.

Forms 17, 18, *and* 19.

FORM No. 17.

Certificate and oath of a new master appointed by Consul. (Paragraph 147.)

I, ——— ———, do solemnly and truly swear that I am a citizen of the United States of America, having been born in ———, [or naturalized, as the case may be.]

——— ———.

Sworn and subscribed to this ——— day of ———, before me.

——— ———,
U. S. Consul.

CONSULATE OF THE UNITED STATES OF AMERICA AT ———,
———, 18—.

I, the undersigned, Consul of the United States of America, &c., do hereby certify that ——— ———, having taken and subscribed the oath required by law, is at present master of the ———, of ———, in lieu of ——— ———, the former master.

Given, &c.

——— ———,
U. S. Consul.

FORM No. 18.

Receipt for two-thirds extra wages. (Paragraph 151.)

CONSULATE OF THE UNITED STATES OF AMERICA AT ———,
———, 18—.

Received of ——— ———, United States Consul at ———, the sum of ——— dollars, being the amount (or residue, as the case may be) of the two months' extra wages to which I am entitled under the acts of the 28th of February, 1803, and of August 18, 1856, on my discharge from the ——— of ———, ——— ——— master.

——— ———.

FORM No. 19.

Order to send seamen to hospital. (Paragraph 161.)

CONSULATE OF THE UNITED STATES OF AMERICA AT ———,
———, 18—.

SIR: You will please admit into your hospital ——— ———, an invalid destitute American seaman, requiring medical aid, for account of this Consulate.

I am, sir, your obedient servant,

——— ———,
U. S. Consul.

——— ———, *M. D.*

Forms 20 and 21.

FORM No. 20.

Certificate given to masters whose seamen leave hospital against physician's advice. (Paragraph 161.)

CONSULATE OF THE UNITED STATES OF AMERICA AT ———,
———, 18—.

I, the undersigned, Consul, &c., &c., do hereby certify that ——— ———, who has been duly shipped before me in the ———, of ———, ——— ——— master, was sent to the hospital at this port by me upon his own application, and, after being examined by the attending physician of the said hospital, was pronounced a fit subject and duly admitted to be cured of the ——— disease. That, contrary to the advice and opinion of the said attending physician, the said ——— ——— left the hospital a few days thereafter, insisting that he was well and able to do seaman's duty and return home. That, in consequence of his ill health and liability to go upon the sick list at sea, several masters of American vessels refused to ship him before he entered on board of the ——— as aforesaid; and this certificate is granted to Captain ——— ———, at his own request, to protect him hereafter should the said ——— ———, in consequence of the disease aforesaid, be unable to perform the duty required of him as a seaman on the voyage from this port to ———.

Given, &c., &c.

——— ———,
———
U. S. Consul.

FORM No. 21.

Certificate given to masters when required to take to the United States destitute American seamen. (Paragraphs 164 & 171.)

CONSULATE OF THE UNITED STATES OF AMERICA.
———, 18—.

I, the undersigned, Consul of the United States of America for ———, and the dependencies thereof, do hereby certify that I have sent to ——— by the ———, whereof ——— ——— is master, A B, C D, and E F, three destitute American seamen, and have agreed with the said master that, on presentation of this certificate at the Treasury Department, bearing an indorsement of the Collector of Customs at the port of ———, aforesaid, that the seamen herein mentioned have arrived in said vessel within his district, he shall and will be entitled to receive the sum of thirty dollars for their passage, being the sum of ten dollars for each seaman, in conformity to the laws of the United States made and provided for the relief of destitute American seamen.

Given, &c.,

——— ———,
U. S. Consul.

Forms 22, 23, and 24.

FORM No. 22.

Certificate given to masters when required to take to the United States more than two seamen for one hundred tons burden of a vessel. (Paragraph 167.)

CONSULATE OF THE UNITED STATES OF AMERICA,
———, 18—.

I, the undersigned, Consul, &c., &c., do hereby certify that I have sent to ———, by the ———, whereof ——— ——— is master, G H and I J, two destitute American seamen over and above the number said vessel is by law required to take, and have agreed with the said master that, on presentation of this certificate at the Treasury Department, bearing the indorsement of the Collector of Customs at the port of ———, aforesaid, that the seamen herein mentioned have arrived in said vessel within his district, that he shall and will be entitled to receive the sum of ——— dollars for their passage, being the sum of ——— dollars for each seaman, there being no other American vessel now in port bound for the United States in which to send home said seamen, in conformity to the provisions of the laws of the said States made and provided for the relief of destitute American seamen.

Given, &c.,

——— ———,
U. S. Consul.

FORM No. 23.

Affidavit or certificate of attending physician. (Paragraph 168.)

——— ———, 18—.

I hereby swear (or certify, as the case may be) that A B, C D, and E F, sick American seamen, were attended by me during the quarter ending the ——— day of ———, 18—, and that the health of the said named persons was such during that time that it would have endangered their lives to have sent them on their homeward voyage.

——— ———, *M. D.*

FORM No. 24.

Request to local authorities to imprison seamen or mariners. (Paragraphs 197 & 241.)

CONSULATE OF THE UNITED STATES OF AMERICA AT ———,
——— ———, 18—.

SIR: ——— ———, ——— ———, and ——— ———, part of the crew of the ———, of ———, whereof ——— ——— is master, re-

cently arrived in this port from ———, having conducted themselves in an improper and insubordinate manner on board, and positively refused to do duty, I have the honor respectfully to request that you will please cause the said named persons to be arrested, brought on shore, and imprisoned until I can find it expedient to give them their liberty.

I have the honor to be, sir, your obedient servant,

——— ———,
U. S. Consul.

To ——— ———,
Captain [or authorities of the port.]

NOTE.—See section 541 *et seq.* of the Regulations.

FORM No. 25.

Request to same to release same from prison. (Paragraphs 197 and 241.)

CONSULATE OF THE UNITED STATES OF AMERICA AT ———,
———, 18—.

SIR: I have the honor to request that you will please cause to be released from prison ——— ———, ——— ———, and ——— ———, the seamen or mariners belonging to the ———, ——— ——— master.

I have the honor to be, sir,

——— ———,
U. S. Consul.

To ——— ———,
Captain [or other authorities of the port.]

FORM No. 26.

Certificate of oath and declaration of master to desertion of seamen or mariners. (Paragraph 203.)

CONSULATE OF THE UNITED STATES OF AMERICA AT———,
———, 18—.

I, the undersigned, Consul, &c., &c., do hereby certify that, on the day of the date hereof, before me personally appeared ——— ———, master of the ship ———, of ———, and made oath, in due form of law, that the seamen or mariners hereinafter named, and who are noted on the crew list of the said vessel as deserters, absconded from the said ship ———, at the ports or places hereinafter named, without his knowledge or consent, at or about the times hereinafter placed opposite their names respectively.

And the said ——— ———, master, further declared that the said

Form 26.

seamen or mariners, deserters as aforesaid, were duly shipped at the time and place and for the monthly wages and advance hereinafter stated, and as per contract of shipping articles; that the wages advanced abroad, expenses incurred on account of desertion, goods supplied to said seamen or mariners, as hereinafter stated opposite to their names respectively, were honestly, justly, and truly advanced, expended, incurred, and supplied, as stated, to and for account of said seamen or mariners; and he doth likewise declare, that the balance of wages due on account of said seamen or mariners, deserters as aforesaid, placed hereinafter opposite their respective names, as aforesaid, is the true, correct, and just balance which the said seamen or mariners would have been entitled to had they been duly discharged and paid off, for the period of time mentioned, and for which he has to account to the collector of customs of the port where the crew of said vessel are accounted for, as forfeited wages, to become the property of the United States.

And I, the said Consul, for myself, do hereby certify that ——— ———, master aforesaid, exercised due diligence, with my co-operation and assistance, to recover and secure such of said seamen or mariners as deserted at this port, but without success.

Names of deserters.	Date of shipment.	Place of shipment.	Monthly wages.	Place and time of desertion.			Time of service on board.		Wages due to day of desertion.		Advance wages.		Wages or moneys advanced abroad.		Expenses incurred on account of desertion.		Goods supplied.		Amount of wages forfeited to become the property of the U. S.	
				Port or place.	Month.	Day.	Month.	Day.	Dollars.	Cents.	Dollars.	Cents.	Dollars.	Cents.	Dollars.	Cents.	Dollars.	Cents.	Dollars.	Cents.

Given, &c., &c.,

———, ———,

U. S. Consul.

Forms 27, 28, and 29.

FORM No. 27.

Request to local authorities for the arrest of deserters. (Paragraph 205.)

CONSULATE OF THE UNITED STATES OF AMERICA AT ———,
———, 18—.

SIR: ——— ———, ——— ———, and ——— ———, three of the seamen belonging to the ———, of ———, whereof ——— ——— is master, recently arrived from ———, having absconded at this port from the said ———, I have the honor respectfully, in pursuance of the provisions of the terms of the treaty of ———, 18—, between the United States and ———, to request that you will please cause warrants to be issued for their arrest and imprisonment, and that they be retained subject to the order of this Consulate.

I have the honor to be, sir, your obedient servant,

——— ———,
U. S. Consul.

To ——— ———.

FORM No. 28.

Certificate to be issued to citizens of the United States being purchasers of American or foreign-built vessels in a foreign port. (Paragraph 220.)

I, ——— ———, Consul of the United States for the port of ———, do hereby certify that the within bill of sale, bearing date the ——— day of ———, of the ———, [here describe the vessel, her tonnage, denomination, name, &c.,] sold and transferred by ——— ——— to ——— ——— has been proved satisfactorily to me to have been duly executed by the subscribing part—and I further certify that ——— ——— therein mentioned as purchaser of said vessel ——— citizen of the United States

As witness my hand and seal of the Consulate, this ——— day of ———, in the year of our Lord 18—.

[L. S.] ——— ———,
Consul.

FORM No. 29.

Bill of health, (Clean.) (Paragraph 236.)

I, ——— ———, Consul of the United States at ———, do hereby certify that ———, called the ———, of ———, burden per register ——— tons, commanded by ———, navigated by ——— men, and having on board ——— passengers, leaves this port of ——— in free pratique, [*or*, in quarantine,] bound for ———.

I certify that good health is enjoyed in this town and the adjacent

country, without any suspicion of plague, cholera, or contagious distemper whatsoever.

In witness whereof we have hereunto set our hand and seal of office, at ———, this ——— day of ———, 18—.

——— ———,
U. S. Consul.

FORM No. 30.

Marine note of protest. (Paragraphs 238 and 412.)

CONSULATE OF THE UNITED STATES OF AMERICA,
Port of ———,

——— ———.

On this ——— day of ———, in the year of our Lord eighteen hundred and ———, before me, ——— ———, Consul of the United States of America for ——— and the dependencies thereof, personally appeared ——— ———, master of the ship or vessel called the ———, of ———, of the burden of ——— tons or thereabouts, and declared that on the ——— day of ———, last past, he sailed in and with the said ship from the port of ———, laden with ———, and arrived in the said ship at ———, on ——— [here insert the day and hour;] and having experienced boisterous weather on the voyage,

hereby enters this note of protest accordingly, to serve and avail him hereafter, if found necessary.

——— ———,
Master.

Attested:
A. B., *Consul.*

FORM No. 31.

Extended protest of ship ———, *master* ———, 18—. (Paragraphs 238 and 413.)

CONSULATE OF THE UNITED STATES OF AMERICA,
Port of ———,

——— ———.

By this public instrument of declaration and protest, be it known and made manifest unto all to whom these presents shall come or may concern, that on the ——— day of ———, one thousand eight hundred and ———, before me, ——— ———, Consul of the United States of America for ——— and the dependencies thereof, personally came and appeared ——— ———, master of the ship or vessel

Form 31.

called the ———, of ———, of the burden of ——— tons or thereabouts, then lying in this port of ———, laden with ——— cargo, who duly noted and entered with me, the said Consul, his protest, for the uses and purposes hereafter mentioned; and now, on this day, to wit, the day of the date hereof, before me, the said Consul, again comes the said ——— ———, and requires me to extend this protest; and together with the said ——— ——— also come A B, mate, G H, carpenter, K L and M O, seamen, of and belonging to the said ship, all of whom being by me duly sworn on the Holy Evangelists of Almighty God, did severally, voluntarily, freely, and solemnly declare, depose, and state as follows, that is to say: That these appearers, on the ——— day of ———, in their capacities aforesaid, sailed in and with the said ——— from the port of ———, laden with ———, and bound to the port of ———; that the said ship was then tight, stanch, and strong; had her cargo well and sufficiently stowed and secured; had her hatches well calked and covered; was well and sufficiently manned, victualed, and furnished with all things needful and necessary for a vessel in the merchant service, and particularly for the voyage she was about to undertake; that [here insert narrative of the facts of the voyage as they occurred, with full and minute particulars, with dates, latitude, longitude, &c.]

And these said appearers, upon their oaths aforesaid, do further declare and say: That during the said voyage they, together with the others of the said ship's company, used their utmost endeavors to preserve the said ——— and cargo from all manner of loss, damage, or injury. Wherefore the said ——— ———, master, hath protested, as by these presents I, the said Consul, at his special instance and request, do publicly and solemnly protest against all and every person and persons whom it doth or may concern, and against the winds, and waves, and billows of the seas, and against all and every accident, matter and thing, had and met with as aforesaid, whereby, and by reason whereof, the said ——— or cargo already has, or hereafter shall appear to have suffered or sustained damage or injury. And do declare that all losses, damages, costs, charges, and expenses that have happened to the said ——— or cargo, or to either, are, and ought to be borne by those to whom the same by right may appertain by way of average or otherwise, the same having occurred as before mentioned, and not by or through the insufficiency of the said ———, her tackle or apparel, or default or neglect of this appearer, his officers, or any of his mariners.

Thus done and protested in the port of ———, this ——— day of ———, in the year of our Lord one thousand eight hundred and ———.

In testimony whereof these appearers have hereunto subscribed their names, and I, the said Consul, have granted to the said master this public instrument, under my hand and the seal of this Consulate,

Form 32.

to serve and avail him and all others whom it doth or may concern, as need and occasion may require.

[SEAL OF THE CONSUL.] ——— ———,
U. S. Consul.

Master.
A B, *Mate.*
G H, *Carpenter.*
K L, *Seaman.*
M O, *do.*

FORM No. 32.

Protest of the master of a vessel against charterers or freighters. (Paragraph 238.)

Whereas the surveyors of the ship ———, of ———, ——— ———, master, of the ——— day of ———, have recommended the said ship to proceed to a port of discharge, in the United States, after temporary repairs, and with as much cargo as will render her perfectly safe, and that she be there thoroughly overhauled and permanently repaired: And whereas, in order to reach a port of discharge with safety and despatch, where the repairs recommended in the said survey may be done and performed, it is better for all parties concerned that the voyage should be made direct from the port of ——— to the said port of permanent repair in the United States: And whereas ——— ———, master of the ship ———, of ———, aforesaid, has determined to proceed direct to the port of ———, there to thoroughly overhaul and repair the said ship, as recommended by the said survey, but in order to accomplish this end, and in lieu of touching at ——— for orders, and for the privilege of the said direct port, he has been obliged to give up and yield to the charterers of the said ship one dollar per ton upon the number of tons of ———, delivered at the said port of ———, amounting in the aggregate to the sum of ——— dollars, more or less: Now know all men by these presents, that on the day of the date hereof, before me, ——— ———, Consul of the United States of America for ———, and the dependencies thereof, personally came and appeared ——— ———, before named, and after stating the facts contained in the foregoing premises, hath protested, like as by these presents, I, the said Consul, at his special instance and request, do publicly and solemnly protest, against all and every person and persons whom it doth, shall, or may concern, and against the charterers of the said ship, for exacting the amount of ——— dollars, aforesaid, claiming and demanding the reimbursement of the same from those to whom the same of right may appertain by way of average or otherwise upon the arrival of the vessel at the port of permanent repairs as aforesaid.

In testimony whereof, the said ——— ——— hath hereunto sub-

scribed his name, and I, the said Consul, set my hand and affixed the seal of this Consulate, this ——— day of ———, A. D. 18—.

[L. S.] ——— ———,
U. S. Consul.

——— ———,
Master of the ———.

FORM No. 33.

Certificate as to insurbordinate conduct of crew. (Paragraph 241.)

UNITED STATES CONSULATE, ———, 18—.

I, the undersigned, Consul, &c., do hereby certify that ——— ———, ——— ———, and ——— ———, seamen or mariners, belonging to the ship ———, of ———, ——— ———, master, were placed in irons on board of the said ship by the said master for refusal of duty and insubordinate conduct, and afterward taken on shore and imprisoned with my consent.

Given, &c.

——— ———,
Consul.

FORM No. 34.

Consul's decision and award in cases of protest against masters, passengers, or crew. (Paragraph 241.)

CONSULATE OF THE UNITED STATES OF AMERICA, AT ———.

Whereas ——— ———, master of the ———, of ———, recently arrived in this port of ———, from ———, has entered formal protest on the books in this Consulate, under date of the ——— ———, 18—, against ——— ———, passengers in the said ——— on the passage aforesaid, named in the said protest, for mutinous conduct on the high seas, and against carrying them to ———. And whereas the officers, crew, and part of the passengers of said vessel have likewise entered solemn protest, under date of ——— ———, against the said named persons, and against their proceeding with them in the said vessel:

Now therefore I, the undersigned, Consul of the United States of America, having entertained the complaint and grievances set forth in said protest, having first required and obtained from the said master a specified list of the charges preferred by him against the said ——— passengers, consisting of ——— distinct charges, and having duly sworn and respectively examined the witnesses to same, in number ——— persons, who deposed to the truth of the said charges as follows, to wit: ——— to the first accusation; ——— to the second; ——— to the third; ——— to the fourth; ——— to the fifth; ——— to the sixth. And having furthermore admitted and duly sworn and respectively examined ——— persons ——— on the part

of said ——— accused, and having duly and impartially weighed the testimony adduced on both sides, do hereby adjudge and declare as follows, that is to say: [Here state the decision and award of the Consul.]

Given at this Consulate, this ——— day of ———, in the year of our Lord one thousand eight hundred and ———.

[L. S.] ——— ———,
U. S. Consul.

FORM No. 35.

Call of survey on a vessel. (Paragraphs 140 and 242.)

No. 1.] ———, ———, 18—.

——— ———, Esq.,
United States Consul at ———.

SIR: The ship ———, under my command, arrived at this port the ——— instant, from ———, laden with ———, in a damaged and leaky condition, and I have, therefore, to request that you will please call a survey upon the said ship, in order to ascertain her present state and condition, and what had best be done for the interest of the parties concerned.

Very respectfully, &c.

——— ———,
Master.

FORM No. 36.

Warrant to survey a vessel. (Paragraphs 140 and 242.)

No. 2.]

CONSULATE OF THE UNITED STATES OF AMERICA AT ———,
———, 18—.

Messrs. A B, *Master of the ship* ———, *of* ———.
C D, *Master of the ship* ———, *of* ———.
E F, *Master ship-carpenter at* ———.

GENTLEMEN: Application having been made to this Consulate by ——— ———, master of the ship ———, of ———, of the burden of ——— tons, or thereabouts, for a survey upon the said ship, in consequence of having sustained damages and injuries in the prosecution of her voyage from ——— to this port, laden with ———, whereby she became ———, you are hereby respectfully requested to repair alongside and on board the said ship, and, after a careful and minute examination and survey of every visible part of her hull, spars, sails, and rigging, report to this Consulate, under your own hands, in writing, her present state and condition, and what,

in your opinion, had best be done for the interest of the parties concerned.

{ Seal of the } { Consulate. } Given under my hand and the seal of this Consulate, the day and year above written.

———— ————,
U. S. Consul.

FORM No. 37.

Report of survey on a vessel. (Paragraphs 140 and 242.)

No. 3.]

Pursuant to the accompanying warrant of survey, to us directed by ——— ———, United States Consul at ———, we, the undersigned, repaired alongside and on board of the ship ———, of ———, of the burden of ——— tons, or thereabouts, recently arrived in this port from ———, in a damaged and leaky condition, laden with ———, and after a careful and minute examination of every visible part of her hull, spars, sails, and rigging, do report as follows, viz:

We therefore recommend, in order to a further examination, and to ascertain, if possible, the cause and extent of the leak or leaks, that the cargo be discharged forthwith.

In confirmation of which we are willing if required, to attest.

Given under our hands at ———, this ——— day of ———, A. D. 18—.

———— ————,
Master of the ship ———, *of* ———.

———— ————,
Master of the ship ———, *of* ———.

———— ————,
Master ship-carpenter at ———.

Received ——— dollars for holding the above survey.

———— ————.
———— ————.
———— ————.

FORM No. 38.

Certificate authenticating the signatures of surveyors. (Paragraphs 140 and 242.)

No. 4.]

CONSULATE OF THE UNITED STATES OF AMERICA AT ———,
———, 18—.

I, the undersigned, Consul, &c., &c., do hereby certify that the foregoing are the true and genuine signatures of ——— ———,

Forms 39 and 40.

——— ———, and ——— ———, surveyors, appointed by me, of the ship ———, of ———, and as such are entitled to full faith and credit.

Given, &c., &c.,

——— ———.

FORM No. 39.

Second call of survey on a vessel. (Paragraphs 140 and 242.)

No. 1.] ———, 18—.

——— ———, Esq.,
United States Consul at ———.

SIR: The cargo of the ship ———, of ———, under my command, being now discharged, I have therefore respectfully to request that you will please call a second survey on the said ship, in order to a further examination, and to ascertain, if possible, the cause and extent of the leak or leaks.

Very respectfully, &c.,

——— ———,
Master.

FORM No. 40.

Second warrant to survey a vessel. (Paragraphs 140 and 242.)

No. 2.]

CONSULATE OF THE UNITED STATES OF AMERICA AT ———,
———, 18—.

Messrs. A B, *Master of the ship* ———, *of* ———.
C D, *Master of the ship* ———, *of* ———.
E F, *Master ship-carpenter at* ———.

GENTLEMEN: Application having been made to this Consulate by ——— ———, master of the ship ———, of ———, of the burden of ——— tons, or thereabouts, for a second survey on the said ship, her cargo having been discharged, you are hereby respectfully requested to repair on board of the said ship, and after a further careful examination and survey of her hull, ascertain, if possible, the cause and extent of the leak or leaks, and report the same to this Consulate, under your own hands, in writing; also what, in your opinion, should be done for the interest of the parties concerned.

Given, &c.,
[Seal of the Consulate.]

——— ———,
U. S. Consul.

FORM No. 41.

Second report of survey on a vessel. (Paragraphs 140 and 242.)

No. 3.]

Pursuant to the accompanying warrant of survey, to us directed by ——— ———, United States Consul at ———, we, the undersigned, repaired on board of the ship ———, of ———, of the burden of ——— tons, or thereabouts, and after a further careful examination and survey of the hull of said ship, do report as follows, viz :

In confirmation of which we are willing, if required, to attest.

Given under our hands at ———, this ——— day of ———, A. D. 18—.

———— ————,
Master of the ———, *of* ———.

———— ————,
Master of the ———, *of* ———.

———— ————,
Master Ship-Carpenter at ———.

Received ——— dollars each for holding the survey.

———— ————,
———— ————,
———— ————.

FORM No. 42.

Certificate authenticating signatures of second surveyors. (Paragraphs 140 and 242.)

No. 4.]

CONSULATE OF THE UNITED STATES OF AMERICA AT ———,
———, 18—.

I, the undersigned, Consul, &c., &c., do hereby certify that the foregoing are the true and genuine signatures of ——— ———, ——— ———, and ——— ———, the persons appointed by me on the second survey of the ship ———, and as such are entitled to full faith and credit.

Given, &c.

[Seal of the Consulate.]

———— ————,
U. S. Consul.

Forms 43 *and* 44.

FORM No. 43.

Estimate of repairs. (Paragraph 242.)

Estimate of the probable cost of repairing the ———, of ———, agreeably to the recommendations contained in the report of survey of the ——— instant, and in accordance with the cost of labor and material at the port of ———, as follows, viz:

For heaving ship down on both sides, including use of hulk, blocks, falls, tackle, &c., (or, as the case may be, placing in dock)..... $
For taking out planks.....
For ——— feet of plank, at $——— per M.....
For ——— carpenters, ——— days each, ——— days, at $———
For ——— lbs. nails.....
For ——— lbs. copper spikes.....
For ——— sheets felt.....
For ——— lbs. oakum.....
For ——— barrels pitch.....
For ——— barrels tar.....
For ——— barrels rosin.....
For ——— sheets copper, ——— lbs., at———.....
For ——— lbs. copper nails.....
For ——— calkers, ——— days each, ——— days, at $———
For ——— carpenters.....
For use of pitch pots, boys, &c.....
For superintendence of master carpenter.....

———, 18—.

———— ————,
Master Ship-carpenter.

FORM No. 44.

Certificate authenticating signature to estimate. (Paragraph 242.)

CONSULATE OF THE UNITED STATES OF AMERICA AT ———,
———, 18—.

I, the undersigned, Consul, &c., &c., do hereby certify that the foregoing is the true and genuine signature of ———— ————, master ship-carpenter at ———, and as such is entitled to full faith and credit.

Given, &c.

———— ————,
U. S. Consul.

Forms 45, 46, and 47.

FORM No. 45.

Certificate authenticating copies of call, warrant, and report of survey. (Paragraph 243.)

CONSULATE OF THE UNITED STATES OF AMERICA AT ———,
———, 18—.

I, the undersigned, Consul, &c., &c., do hereby certify that the foregoing call, warrant, and report of survey, and the certificate thereto signed ——— ———, United States Consul, numbered 1, 2, 3, 4, &c., hereto annexed, are true and faithful copies of the originals filed in this Consulate, the same having been carefully examined by me and compared with the said originals, and found to agree therewith word for word and figure for figure.

Given, &c.

——— ———,
U. S. Consul.

FORM No. 46.

Letter to authorities in cases of sinking vessels. (Paragraph 244.)

CONSULATE OF THE UNITED STATES OF AMERICA AT ———,
———, 18—.

SIR: The surveyors of the ship ———, of ———, ——— ——— master, having recommended that the ship should be towed or hauled into shoal water for the safety of the vessel and cargo, as the water is gaining rapidly on the pumps, I have the honor to request that you will please have designated to the master of the ———, such moorings, in shoal water, in the harbor of ———, that, in the event of the sinking of the ship, the mooring grounds in the bay will not sustain injury.

I have the honor to be, very respectfully, &c.,

——— ———,
U. S. Consul.

To ——— ———,
Captain of the port [*or other authority.*]

FORM No. 47.

Advertisement for funds on bottomry to repair. (Paragraph 245.)

$——— to $———.

WANTED on the hull, spars, sails, rigging, and homeward freight of the ———, of ———, of the burden of ——— tons register, whereof

Forms 48 *and* 49.

——— ——— is master, the sum of from $——— to $——— for repairs and outfits to enable the said vessel to proceed to sea.

Proposals for the advance of the above sum will be received at the office of the United States Consulate at ———, until ——— p. m. ———, 18—.

——— ———.

FORM No. 48.

Advertisement of sale of a vessel. (Paragraph 245.)

Will be sold at public auction, for account of whom it may concern, the ———, of ———, ——— tons registered burden, on the —— day of ———, at ———.

The above vessel was built at ———, in the year ———, 18—, of, &c.

For further particulars apply to the United States Consulate at ———, or to the master on board, where inventories may be seen.

——— ———,
Licensed Auctioneer.

FORM No. 49.

Certificate to advertisement for funds on bottomry, where no proposals have been received. (Paragraph 245.)

CONSULATE OF THE UNITED STATES OF AMERICA AT ———.

———, —, 18—.

Printed ADVERTISEMENT to be here AFFIXED.

I, the undersigned, Consul, &c., &c., do hereby certify that the annexed advertisement, in English and ———, was published in the ——— ———, printed at ———, from the ——— day of ——— to the —— day of ———, 18—, inclusive.

I further certify that no proposals have been received at this Consulate from any person or persons to advance the sum required by the ———, for repairs and outfit to enable her to proceed to sea.

Given, &c.

——— ———.

Where proposals have been received and accepted, the above certificate will be changed, as follows, viz:

I further certify that the proposals of ——— ———, to advance the amount required by the ——— for repairs and outfit to enable

the said vessel to proceed to sea, of ——— twenty per centum maritime premium, were the lowest proposals received, and they are, therefore, best entitled to advance the same.

FORM No. 50.

Certificate to the advertisement of the sale of a vessel. (Paragraph 245.)

CONSULATE OF THE UNITED STATES OF AMERICA AT ———,
———, —, 18—.

Printed ADVERTISEMENT to be here AFFIXED.

I, the undersigned, Consul, &c., &c., do certify that the annexed advertisement, in English and ———, was published in the ——— ———, from the ——— day of ——— to the ——— day of ———, inclusive.

I further certify that, agreeably to the said advertisement, the ship ——— was duly sold at this port, by public auction, for the sum of $———, unto ——— ———, he being the highest bidder therefor, as will appear by the account of sales of ——— ———, licensed auctioneer, hereto annexed.

Given, &c.

———,
U. S. Consul.

FORM No. 51.

Inventory of a ship or vessel. (Paragraph 245.)

No. 1.]

Inventory of ship ———, of ———, of the burden of ——— tons register, advertised to be sold at ——— p. m., the ——— day of ———, by public auction, for account of whom it may concern, by ——— ———, licensed auctioneer, viz.

Ship ———, with hull, spars, sails, rigging, anchors, cables, boats, tackle, as she now lies at anchor in the harbor of ———.

One spare foresail,
One spare mainsail,
One spare foretopsail,
&c., &c., &c.

———,
Master.

———, 18—.

Forms 52 and 53.

FORM No. 52.

Declaration of master to inventory. (Paragraph 245.)

No. 2.]

CONSULATE OF THE UNITED STATES OF AMERICA AT ———,
———, 18—.

I, the undersigned, Consul, &c., &c., do hereby certify that on the day of the date hereof, before me personally appeared ——— ———, master of the ———, of ———, and solemnly declared that the foregoing *inventory* contains a true and faithful *list* of the *tackle, apparel,* and *appurtenances* of the said ship, together with all articles on board and belonging to her, as made out by himself this day.

Given, &c.

[L. S.] ——— ———,
U. S. Consul.

——— ———,
Master.

NOTE.—It is optional with the master to make this declaration.

FORM No. 53.

Master's letter notifying Consul of intention to sell vessel and cargo. (Paragraph 245.)

No. 3.] ———, ———, 18—.

——— ———, Esq.,
U. S. Consul at ———.

SIR: Having failed in procuring on bottomry, or otherwise, the necessary funds required to repair the ———, under my command, I desire to notify you that I am, consequently, compelled to order the sale of said vessel, without delay, by public auction, as also that part of her cargo found damaged by the surveyors thereof, and recommended to be sold immediately; thus, in my opinion, best consulting the interests of all concerned.

I inclose herewith a duplicate of my letter addressed to ——— ———, licensed auctioneer, to be filed in the Consulate.

Very respectfully, &c.,

——— ———,
Master.

Forms 54, 55, *and* 56.

FORM No. 54.

Letter of master to auctioneer. (Paragraph 245.)

No. 4.] ———, 18—.

———— ————, Esq.,
Licensed Auctioneer at———.

SIR: As agent for whom it may concern, I hereby request you to advertise and sell, by public auction, to the highest bidder, the ———, her tackle, apparel, and appurtenances, as per inventory herewith, as she now lays at anchor in this harbor; also that part of her cargo found damaged, and recommended to be sold by the board of survey, for account of whom it may concern.

You will please render distinct account of sales of ship and cargo, (in triplicate,) under your own hand, to the United States Consulate at this port.

I am, respectfully, &c.,

———— ————,
Master.

FORM No. 55.

Certificate authenticating copies of inventories and letters. (Paragraph 245.)

CONSULATE OF THE UNITED STATES OF AMERICA AT ———,
———, 18—.

I, the undersigned, Consul, &c., &c., do hereby certify that the foregoing inventory, and the declaration thereunto, both hereto annexed, and letters signed ———— ————, master, numbered 1, 2, 3, 4, are true and faithful copies of the originals filed in this Consulate, the same having been carefully examined by me, and compared with the said originals, and found to agree therewith word for word and figure for figure.

Given, &c.

———— ————,
U. S. Consul.

FORM No. 56.

Account of sale of a vessel. (Paragraph 245.)

No. 1.]

Account of sale of ship ———, of ———, of the burden of ——— tons, sold by the undersigned, for account of whom it may concern, by order of ———— ————, master, viz:

The ship ———, as per inventory, unto ———— ————, for $

Forms 57 and 58.

CHARGES.

Advertising.....
Printing inventories.....
Government dues.....
Auction commission.....
Consul's attendance at sale.....

$

———, 18—.

———— ————,
Licensed Auctioneer.

FORM No. 57.

Certificate authenticating signature of auctioneer. (Paragraph 245.)

No. 2.]

CONSULATE OF THE UNITED STATES OF AMERICA AT ———,
———, 18—.

I, the undersigned, Consul, &c., &c., do hereby certify that the foregoing is the true and genuine signature of ——— ———, licensed auctioneer for the port of ———, and as such is entitled to full faith and credit.

Given, &c.

———— ————,
U. S. Consul.

FORM No. 58.

Certificate authenticating copy of account sale. (Paragraph 245.)

CONSULATE OF THE UNITED STATES OF AMERICA AT ———,
———, 18—.

I, the undersigned, Consul, &c., &c., do hereby certify that the foregoing account sales, signed by ——— ———, licensed auctioneer, and the certificate thereto, signed ——— ———, United States Consul, numbered 1 and 2, are true and faithful copies of the originals filed in this Consulate, the same having been carefully examined by myself, and compared with the said originals, and found to agree therewith, word for word and figure for figure.

Given, &c.

———— ————,
U. S. Consul.

Forms 59, 60, *and* 61.

FORM No. 59.

Certificate given to master when ship's register is retained entire in the Consulate. (Paragraph 245.)

CONSULATE OF THE UNITED STATES OF AMERICA AT ———,
———, 18—.

I, the undersigned, Consul, &c., &c., do hereby certify that the ———, of ———, was sold at this port on the ——— day of ———, unto ——— ———, a citizen of the United States, and that ——— ———, late master, has this day duly received the crew list and shipping articles of the said ship.

I further certify that the register of the said ship, deposited by the said master, has been retained in this Consulate.

Given, &c.

———, ———,
U. S. Consul.

FORM No. 60.

Certificate on cancelling ship's register. (Paragraph 245.)

CONSULATE OF THE UNITED STATES OF AMERICA AT ———,
———, 18—.

I, the undersigned, Consul of the United States, &c. &c., do hereby certify that the ship ———, of ———, ——— ———, master, has been duly condemned and sold, at this port, by public auction, and the register of the said ship, numbered ———, has been this day cancelled, the one-half thereof delivered by me unto the said master, and the second half retained in this Consulate, to be forwarded to the Register of the Treasury.

Given, &c.

——— ———,
U. S. Consul.

FORM No. 61.

Bottomry bond. (Paragraph 246.)

KNOW ALL MEN BY THESE PRESENTS, That I, ——— ———, now master and commander of the ——— or vessel called the ———, of the burden of ——— tons, or thereabouts, now lying in the port of ———, am held and firmly bound unto ——— ———, in the sum of ———, lawful money of the United States of America, to be paid to the said ——— ———, or to ——— certain attorney, executors, administrators, or assigns: for which payment, well and truly to be made, I bind myself, my heirs, executors and administrators, and

also the said vessel, her tackle, apparel, and furniture, firmly by these presents. Sealed with my seal, at ———, this ——— day of ———, in the year of our Lord one thousand eight hundred and ———. Whereas the above bounden ——— ——— hath been obliged to take up and borrow, and hath received of the said ——— ———, for the use of the said vessel, and for the purpose of fitting the same for sea, the sum of ———, lawful money of the United States of America, which sum is to be and remain as a lien and bottomry on the said vessel, her tackle, apparel, and furniture, ——— ——— at the rate or premium of ——— for the voyage. In consideration whereof, all risks of the seas, rivers, enemies, fires, pirates, &c., are to be on account of the said ——— ———. And for the better security of the said sum and premium, the said master doth, by these presents, hypothecate and assign over to the said ——— ———, ——— heirs, executors, administrators, and assigns, the said vessel, her tackle, apparel, and furniture, ——— ———. And it is hereby declared, that the said vessel ——— is thus hypothecated and assigned over for the security of the money so borrowed and taken up as aforesaid, and shall be delivered for no other use or purpose whatever, until this bond is first paid, together with the premium hereby agreed to be paid thereon.

Now the condition of this obligation is such, that if the above bounden ——— ——— shall well and truly pay, or cause to be paid, unto the said ——— ——— the just and full sum of ——— lawful money as aforesaid, being the sum borrowed, and also the premium aforesaid, at or before the expiration of ——— days after the arrival of said vessel at ——— ———, then this obligation, and the said hypothecation, to be void and of no effect; otherwise, to remain in full force and virtue. Having signed and executed ——— bonds of the same tenor and date, one of which being accomplished, the other to be void and of no effect.

——— ——— [L. S.]

Signed, sealed, and delivered in the presence of—

———,

———.

FORM No. 62.

Acknowledgment to bottomry bond. (Paragraph 246.)

CONSULATE OF THE UNITED STATES OF AMERICA AT ———,

———, 18—.

I, ——— ———, Consul, &c., do hereby certify that ——— ———, master of the ———, of ———, the party to the aforesaid bottomry bond or instrument of writing, personally came before me, and executed the said bond in my presence, and in presence of the witnesses

thereunto, and acknowledged the same to be his free act and deed for the purposes therein mentioned.

Given, &c.

———— ————,
U. S. Consul.

FORM No. 63.

Assignment of bottomry bond. (Paragraph 246.)

We hereby assign our rights in the within bond to ——— ———, merchants, of ———, that it may be paid to them or to their order

---

FORM No. 64.

Acknowledgment to assignment of bottomry bond. (Paragraph 246.)

CONSULATE OF THE UNITED STATES OF AMERICA AT ———,
———, 18—.

I, the undersigned, Consul, &c., do hereby certify that on the day of the date hereof, before me personally appeared ——— ———, one of the firm of ——— ———, parties to the foregoing assignment, and executed and acknowledged the same in my presence to be the act and deed of the said firm for the purposes therein mentioned.

Given, &c.

———— ————,
U. S. Consul.

FORM No. 65.

Indorsement of bottomry on ship's register. (Paragraph 246.)

CONSULATE OF THE UNITED STATES OF AMERICA AT ———,
———, 18—.

I, the undersigned, Consul, &c., &c., do hereby certify that ——— ———, master of the ———, of ———, described in the within register, has this day hypothecated the said vessel, ———, unto ——— ———, merchants of ———, in the penal sum of $———.

Given, &c.

———— ————,
U. S. Consul.

Forms 66, 67, and 68.

FORM No. 66.

Indorsement on register on the payment of a bottomry bond. (Paragraph 246.)

CONSULATE OF THE UNITED STATES OF AMERICA AT ———,
———, 18—.

I, the undersigned, Consul, &c., &c., do hereby certify that on the day of the date hereof, before me personally appeared ——— ———, and acknowledged before me the receipt of the sum of ——— dollars, called for by the terms and conditions of a bottomry bond executed by ——— ———, master of the ———, of ———, the ——— day of ———, 18—, at ———, and that the said bond has been this day duly canceled according to law.

Given, &c.

———,
U. S. Consul.

FORM No. 67.

Declaration and oath of master to death or loss overboard at sea of a seaman or mariner. (Paragraph 248.)

CONSULATE OF THE UNITED STATES OF AMERICA AT ———,
———, 18—.

I, the undersigned, Consul of the United States of America for ——— and the dependencies thereof, do hereby certify that on the day of the date hereof, before me personally appeared ——— ———, master of the ———, of ———, and made oath, in due form of law, that ——— ——— died at sea, [or was lost overboard at sea, as the case may be,] on board the said ship, on or about the ——— of ———, 18—, on the voyage from ——— to this port.

Given, &c.

———,
U. S. Consul.

FORM No. 68.

Declaration and oath of master or mate to correctness of log-book. (Paragraph 248.)

On the ——— day of ———, A. D. 18—, before me, the undersigned, Consul, &c., personally appeared ——— ———, [master or mate, as the case may be,] and made oath, in due form of law, that the journal of the voyage from ——— to ———, commencing on the ——— and ending on the ———, and embraced within folios from ——— to ———, contains a true and faithful log, written by himself, of

the transactions on board the said ———, day by day as they occurred.

———— ————,
U. S. Consul.

[L. S.]

————, ————,
Master [or mate.]

FORM No. 69.

Declaration and oath of master to ship's bills and vouchers for disbursements and repairs. (Paragraph 248.)

CONSULATE OF THE UNITED STATES OF AMERICA AT ———,
———, 18—.

I, the undersigned, Consul, &c., &c., do hereby certify that on the day of the date hereof, before me personally appeared ——— ———, master of the ———, of ———, and made oath, in due form of law, that the bills and accounts hereunto annexed, numbered from ——— to ———, inclusive, are the true and genuine vouchers relating to the cost of the repairs and disbursements of the said ship at this port, superintended by himself.

———— ————,
Master.

Subscribed and sworn to before me the date above written.

————, ————,
U. S. Consul.

FORM No. 70.

Consul's certificate for custom-house or authorities, in cases of the deviation of a vessel from the voyage. (Paragraph 248.)

CONSULATE OF THE UNITED STATES OF AMERICA AT ———,
———, 18—.

I, the undersigned, Consul, &c., &c., do hereby certify that the ———, of ———, ——— ——— master, bound from ——— to ———, arrived at this port on the ——— instant, laden with ———, in a damaged state and condition, and in order to repair the said ——— it is necessary to discharge the cargo, as appears by the note of protest of the said master, made before me the —— day of ———, 18—, and the report of survey of the said vessel filed in this Consulate. I further certify that it likewise appears, from said report of survey and protest, that a part of said cargo was thrown overboard at sea on the voyage from ——— to this port.

Given, &c.

———— ————,
U. S. Consul.

Forms 71 and 72.

FORM No. 71.

Certificate of ownership of a vessel. (Paragraph 248.)

CONSULATE OF THE UNITED STATES OF AMERICA AT ———,
———, 18—.

I, the undersigned, Consul of the United States of America for ——— and the dependencies thereof, do hereby certify that the ———, of ———, of the burden of ——— tons, ——— ——— master, was built at ———, in the year ———, and is owned by ——— ———, of ———, State of ———.

Given, &c.

———— ————,
U. S. Consul.

FORM No. 72.

Roll or list of crew when required by the captain or authorities of the port. (Paragraph 248.)

CONSULATE OF THE UNITED STATES OF AMERICA.

Roll or list of the crew of the ———, of ———, of the burden of ———, whereof ——— ——— is master, bound to ———.

Names of seamen or mariners.	Stations.	Country to which they belong.

Embracing in this roll ——— seamen and mariners, including the captain.

———— ————,
U. S. Consul.

———, 18—.

Forms 73, 74, and 75.

FORM No. 73.

Certificate to shipping articles. (Paragraph 248.)

CONSULATE OF THE UNITED STATES OF AMERICA AT ———,
———, 18—.

I, the undersigned, Consul, &c., do hereby certify that the shipping articles of the ———, of ———, hereto annexed, were made out and signed in this Consulate, and that the same were read and explained by me to the parties whose names are subscribed thereto, comprising the crew of said ———, each of whom personally acknowledged that he fully understood the same, and had signed his name thereto of his own free will and accord.

———— ————,
U. S. Consul.

FORM No. 74.

Order to pay, at home, seamen's wages or voyages. (Paragraph 248.)

———, 18—.

SHIP ——— AND OWNERS:

On the termination of the voyage of the ———, pay to ——— ———, or order, what may be due to him for his voyage in said ———, he being this day discharged at this port by mutual consent. The said ——— ——— is entitled to the ——— lay, the ship having been out, and he having served in her, at the time of his discharge, ——— months and ——— days, and the quantity of oil and bone taken, including that held and shipped, as well as that now on board, being ——— barrels of whale oil and ——— pounds of bone.

———— ————,
Master.

Witness:

———— ————.

FORM No. 75.

Master's acknowledgment to the same. (Paragraph 248.)

CONSULATE OF THE UNITED STATES OF AMERICA AT ———,
———, 18—.

I, the undersigned, Consul, &c., do hereby certify that on the day of the date hereof, before me personally appeared ——— ———, master of the ———, of ———, who, in my presence, and in presence of the witnesses thereunto, signed the foregoing order, and acknowledged the same to be correct in all of its particulars, and to be his voluntary act and deed for the purposes therein mentioned.

Given, &c.

———— ————,
U. S. Consul.

Forms 76 and 77.

FORM No. 76.

Certificate of shipment of seamen or mariners attached to crew list and shipping articles. (Paragraph 248.)

CONSULATE OF THE UNITED STATES OF AMERICA AT ———,
———, 18—.

I, ——— ———, Consul of the United States of America for ——— and the dependencies thereof, do hereby certify that the seamen or mariners hereinafter named have been duly shipped at this port, before me, upon the terms and conditions set opposite their names, respectively, viz:

Names of seamen or mariners.	Stations.	Age.	Height.		Country to which they belong.	Lay or share of oil or cargo.	Monthly wages.	Advance wages.	Voyage.
			Feet.	In's.					

Given, &c.

———, ———,
U. S. Consul.

FORM No. 77.

Agreement of master to give increased wages. (Paragraph 248.)

I, ——— ———, master of the ———, of ———, taking into consideration the high rate of wages for seamen, ordinary seamen, cooks, and stewards, out of the port of ———, do hereby agree and bind myself to pay, or cause to be paid, the sum of ——— dollars to the ordinary seamen, ——— dollars to the seamen, and ——— dollars to the ——— hereinafter named, belonging to the said vessel, as increased wages, beginning from the ——— day of ———, and continuing until the termination of the voyage, agreeably to the contract of shipping articles signed by them, a certified copy of which is hereto annexed, dated ———, 18—.

———, ———,
Master.

Attested:
[L. S.] ———, ———,
U. S. Consul.

Form 78.

FORM No. 78.

Form to be used when shipwrecked seamen are picked up at sea and conveyed home, or to any other port. (Paragraph 248.)

I, ——— ———, master of the ———, merchant vessel, belonging to the port of ———, and of the burden of ——— tons, per register, do solemnly and sincerely declare that I received on board the said vessel at ——— the under-mentioned ——— seamen,[1] [———, being part or the whole of the crew of the ———, merchant vessel, which I have heard and verily believe was on her voyage from ——— to ———, of the burden of about ——— tons, and was owned by ——— ———, of ———.]

I further declare that I landed them on the day or days, place or places, set forth in the statement underneath, and subsisted them the number of days against each person expressed, making in the whole[2] ——— days; and that during the whole of such time I had my full complement of men and boys, viz: ——— men and boys,[3] exclusive of the under-mentioned seamen, for whom I now claim subsistence; and in proof of the justice of the claim I am willing (if required) to produce my log-book, and the declaration of the mate and carpenter; and I make this solemn declaration, conscientiously believing the same to be true.

I further declare that[4] ——— were saved from the wrecked vessel.

Men's names.	Rating.	When received.	In what vessel shipwrecked.	From what ship received.	When and where landed, or how disposed of.		Number of days on board.
					Port.	Date.	

——— ———,
Master.

Declared before me at ———, this ——— day of ———, 18—.

——— ———,
U. S. Consul.

[1] The words between [ ] must be repeated for every wrecked vessel, when more than one, to which the seamen belonged.

[2] The number here is to be inserted in words at length.

[3] If the full complement not on board, state how many were deficient.

[4] Here insert the words "not any provisions," or (as the case may be) "the provisions specifically stated and the value thereof."

Forms 79 and 80.

FORM No. 79.

Receipt by Consul for wages and effects of a deceased seaman.

	Name of deceased seaman or apprentice.	Name of ship in which he served at time of death.	Port belonging to.	Time of death.	Place of death.	Name of master.	Particular effects, if any, delivered to shipping master.
Port of ——. Name of seaman ——. Name of ship ——. Port belonging to ——. Name of master ——. Amount paid $——. Effects delivered, if any ——. Date of receipt ——.							

I certify that the above-named master has paid me the above-named sum, and has delivered to me the above-named effects, as the wages and effects of the above-named deceased.

Dated this —— day of ——, 18—.

—— ——,
Consul.

FORM No. 80.

Certificate of marriage. (Paragraph 277.)

CONSULATE OF THE UNITED STATES,
——, ——, 18—.

I, —— ——, Consul of the United States, at ——, do hereby certify that on this —— day of ——, A. D. 18—, at ——, in the city of ——, A B, aged —— years, born in ——, and now residing in ——, and C D, aged —— years, born in ——, and now residing in ——, were united in marriage before me, and in my presence, by —— ——, who is authorized by the laws of —— to perform such a ceremony.

In witness whereof I have hereto subscribed my name and affixed the seal of the Consulate, at ——, this —— day of ——, A. D. 18—, and of the independence of the United States the ——.

—— ——,
Consul.

Forms 81 *and* 82.

FORM No. 81.

Form for authentication of signatures. (Paragraph 309.)

UNITED STATES CONSULATE,
———, 18—.

I, ——— ———, Consul of the United States at ———, do hereby certify that the signature of ——— ———, at the foot of the paper hereto annexed, is his true and genuine signature, made and acknowledged in my presence, and that the said ——— ——— is personally known to me.

In witness whereof I have hereunto set my hand and affixed the seal of the Consulate at ——— this day and year next above written, and of the independence of the United States the ———.

———,
U. S. Consul.

FORM No. 82.

Certificate that an officer is qualified to administer an oath. (Paragraph 309.)

I, ——— ———, Consul of the United States of America at ———, do hereby certify and make known to whom these presents shall come that ——— ———, before whom the annexed affidavit [oath, or declaration, as the case may be] of ——— hath been made, is a Commissioner in the High Court of Chancery, in England, duly authorized to administer oaths and affirmations, and take declarations in lieu of oaths, and that I believe the deponent is worthy of credit, and qualified to verify the annexed affidavit.

In testimony whereof I have hereunto set my hand and seal of office, at ——— aforesaid, this ——— day of ———, in the year of our Lord one thousand eight hundred and ———.

———,
Consul of the United States of America.

Forms 83 and 84.

FORM No. 83.

Rent and miscellaneous expense account. (Paragraph 340.)

DEPARTMENT OF STATE, UNITED STATES,
To ——— ———, United States Consul at ———, DR.

18—.	For rent of consular office, for quarter ending this day, as per voucher No. 1.....	$	
	For postage on official correspondence to and from this Consulate, for the quarter ending this day, as per Forms Nos. 12 and 13, herewith transmitted.....		
	For stationery, as per voucher No. —.....		
	For freight and charges on boxes and packages to and from the Department of State, as per voucher No. —		
	For flagstaff and fixtures, as per voucher No. —.....		
	For flag, as per voucher No. —.....		
	For consular seal, as per voucher No. —.....		
	For consular press, as per voucher No. —.....		
	For consular arms, as per voucher No. —.....		
	For record books, as per voucher No. —.....		
	For binding consular letters, as per voucher No. —...		
	For blank forms, as prescribed by the Department of State, voucher No. —.....		
	For loss by exchange on the amount of this account, say $———, at ——— per cent., as per voucher No. —.		
		$	
	CR. By my draft on the Secretary of State.....	$	

——— ———,
U. S. Consul at ———.

N. B.—Be careful to sign this account, and to transmit it at or before the time of making your draft.

FORM No. 84.

Voucher for rent. (Paragraph 341.)

No. 1.

Received of ——— ———, United States Consul at ———, the sum of $——— in full, for rent, for the quarter ending this day, of rooms No. ——, ——— street, ———, which are devoted solely to the business of the Consulate.

——— ———.

———, 18—.

FORM No. 85.

Exchange voucher. (Paragraph 355.)

I, the undersigned, do hereby certify that I have this day purchased from ——— his draft dated ———, for the sum of ——— $\frac{00}{100}$ dollars, ($ ——— $\frac{00}{100}$,) and have paid him therefor the sum of ———, the same being the net proceeds of said draft after deducting the current rate of exchange between this place and New York, at this date, of ——— cents to the dollar upon its face, and as set forth in the following statement, namely:

Date of draft.	Amount of draft in United States currency.	Gross amount of draft in foreign currency.	Rate of exchange.	Cost of negotiation or sale.	Net proceeds in foreign currency.	Net proceeds in United States currency.	On whom and on what account drawn.

(Signed) A. B.

NOTE.—In all cases of the sale of drafts, this form of voucher must be transmitted.

Form 86.

FORM No. 86.

Exchange voucher. (Paragraph 355.)

I, the undersigned, ——— Consul of the United States at ———, do hereby certify that I have this day sold my draft for ———, dated ———, for ——— $\frac{00}{100}$ dollars, ($——— $\frac{00}{100}$,) to ———, and have received from ——— therefor ———, making in United States currency ——— $\frac{00}{100}$ dollars ($——— $\frac{00}{100}$;) the difference between which sum and the amount of said draft, namely, ———, being the loss actually and necessarily sustained by me in the negotiation and sale of the same.

And I do further certify that the said ———, who ha- signed the foregoing certificate ———, residing and doing business as such at this place.

———, ———,

U. S. Consul.

FORM No. 87.

Statement of cases of relief afforded to destitute American seamen at the Consulate of the United States at ——— from ——— to ———, inclusive. (Paragraphs 357 and 410.)

Number.	Name of seaman.	Ship.	Master.	Owner.	To what port belonging.	Date of discharge or receiving relief.	Cause of discharge.	Date of leaving the Consulate or of decease.	Remarks.	Moneys & extra wages rec'd.		Wages refunded seamen.	Amount disbursed.						Amount expended for same during prev's quarters.	Grand total.
										Moneys.	Extra wages.		Clothing.	Board and lodging.	Medical aid.	Burial expenses.	Miscellan's expenses.	Total.		
1	C. D.	Fly.	A. B.	G. H.	Salem	Oct. 1.	Sick.	Nov. 1	.....	$1 00	$4 00	.....	$1 00	$1 00	$1 00	$1 00	....	$4 0	.....	$4 00
2	E. F.	Casual, not in this Consul			discharged at.	Oct. 2.	Wr'k.	Nov. 2	Belonged to ship — lost at sea; reached this port in an open boat	.....	.....	....	1 00	1 00	1 00	1 00	....	4 00	.....	4 00
3	M.O.	Fly.	.....	.....	.....	Nov. 1	Sick.	Nov. 6	.....	.....	5 00	$9 00	....	.....	1 00	.....	....	1 00	.....	1 00
										1 00	9 00	9 00	2 00	2 00	3 00	2 00	....	9 00	.....	9 00

NOTE.—This Form is to be observed by all Consular Officers, and sent quarterly to the Fifth Auditor of the Treasury, with the account current, as per Form No. 93.

Forms 88 and 89.

FORM No. 88.

Voucher for boarding and lodging. (Paragraph 357.)

CONSULATE OF THE UNITED STATES AT ———.

To ——— ———, DR.

18—.

For boarding and lodging ——— ———, a destitute American seaman, from ——— day of ——— to ———, at ——— per day [or week]..... $

The above bill is correct.

——— ———,

Seaman, (or Mariner.)

Received ———, 18—, from ——— ———, United States Consul, the sum of ——— dollars, in full of the above bill.

——— ———.

FORM No. 89.

Voucher for hospital expenses and medical aid. (Paragraph 357.)

CONSULATE OF THE UNITED STATES OF AMERICA AT ———.

To ——— ———, DR.

For medical aid and attendance supplied the following-named destitute American seamen admitted in and discharged from [here insert the name of the hospital] by order of ——— ———, Consul at ———, for the quarter ending ———, 18—.

When admitted. 1856.		Name of seamen.	Date of discharge or decease.		Number of days attended, say at $1 per day.	Amount.	
October.....	6	C. D	November.	22	48	$48	00
"	"	F. F	"	26	52	52	00
November ...	1	M. O	"	12	12	12	00
						112	00

———, 18—. Received of ——— ———, United States Consul, the sum of ——— dollars and ——— cents, in full of the above bill.

——— ———.

Forms 90 and 91.

FORM No. 90.

Voucher for clothing. (Paragraph 357.)

CONSULATE OF THE UNITED STATES OF AMERICA AT ———.

To ——— ———, DR.

18—.

For clothing furnished to ——— ———, a destitute American seaman, viz:
(Here name all articles of clothing furnished, including cost thereof)..... $

Delivered in presence of— Correct:

———— ————, ——— ———,
———— ————. *Seaman.*

———— ————, ———, 18—. Received of ——— ———, United States Consul, the sum of ——— dollars and ——— cents, in full of the above bill.

——— ———.

FORM No. 91.

Voucher for burial expenses. (Paragraph 357.)

CONSULATE OF THE UNITED STATES OF AMERICA AT ———.

To ——— ———, DR.

For burial expenses of the following-named destitute American seamen, who died at ———, during the quarter ending ——— day of ———, 18—:

November 22, ——— ———..... $4 00
November 26, ——— ———..... 4 00

8 00

Received ———, 18—, from ———, United States Consul at ———, the sum of ———, in full of the above bill.

——— ———.

Form 92.

FORM No. 92.

RETURN OF EXTRA WAGES. (Paragraph 359.)

——— ———, United States Consul at ———, in account with the United States Government, for amount of the one month's extra wages received on account of discharged seamen, from ——— to ———, 18—.

DR. CR.

Date.	Name of seaman or mariner.	Vessel.	Amount of extra wages received.		Date.	Disposition made of extra wages received.	Amount.	
1856.					1856.			
Oct. 1	A. B ..	Union.	$15	00	Dec. 31	By amount credited in account for the relief of destitute American seamen, for quarter ending December 31, 1856	$30	00
Oct. 4	C. D ..	Do...	15	00		By balance in my hands....	20	00
Dec. 31	E. F ..	Boxer.	20	00				
			50	00			50	00

UNITED STATES CONSULATE AT ———, *December* 31, 1856.

——— ———, *Consul.*

FORM No. 93.

ACCOUNT CURRENT. (Paragraphs 360 and 411.)

The United States Government in account current with ——, *United States Consul at* ——.

DR. CR.

Date.	Clothing, boarding, &c., by whom supplied.	To whom furnished.	On what account.	Vouchers.	Amount.	Date.	Extra wages and moneys received.	On whose account.	Vessel.	Amount.
1856.						1856.				
Oct. 1	A. B..	C. D....	Clothing..	1	$5 00	Oct. 1	By 3 months' extra wages.....	C. D..	Union.	$45 00
2	Do...	E. F....	Do.....	2	2 00	2	By amount moneys received...	Do...	Do..	15 00
Nov. 1	G. H..	C. D....	Board and lodging.	3	3 00	Nov. 1	By 1 month's extra wages.....	M. O..	Do..	15 00
							By portion of 2 months' ditto..	Do...	Do..	12 00
3	Do...	E. F....	Do.....	4	2 00					87 00
Dec. 31	I. J ...	C. D.. }	Burial ex-	5	8 00					
	Do...	E. F.. }	penses..				By amount of draft on the Honorable —— ——, Secretary of State, at 15 days' sight, in favor of —— ——, acceptance waived	.....	.....	45 00
	K. L..	Sundry persons.	Medic'l aid	6	112 00					
					132 00					132 00

E. & O. E.

UNITED STATES CONSULATE AT ——, *December* 31, 1856,

A—— B——, *Consul.*

Form 94.

FORM No. 94.

RECORD OF TREASURY FEES, (Seaport Consulate.) (Paragraphs 315, 362, and 401.)

Fees received at the United States Consulate at ———, *from* ——— *to the* ———, 18—.

Date.	No.	Name of vessel.	Name of the party paying the fee.	Nature of service rendered.	Amount of fees paid.	Remarks.

——— ———.

On the ——— day of ———, before me, the undersigned, personally appeared ——— ———, United States Consul at ———, and made oath that the above and foregoing account or report of fees is a full and perfect transcript of the register which he is by law required to keep; that the same is true and correct, and contains a full and accurate statement of all fees received by him as such Consular Officer, or for his use, for his *official services*, to the best of his knowledge, during the period of time therein mentioned.

——— ———,
U. S. Consul.

Sworn to before me,

——— ———.

NOTE.—This Form is to be followed by Consular Officers residing at seaports, and a transcript thereof transmitted to the Secretary of the Treasury, when the Consular Officer is entitled by law to a salary, otherwise to the Secretary of State, with quarterly returns of statement of fees, as per Form No. 96.

Form 95.

FORM No. 95.

RECORD OF TREASURY FEES, (Inland Consulate.) (Paragraphs 315, 362, and 401.)

Fees received at the United States Consulate at ———, *from* ——— *to the* ———, 18—.

No.	Date.		Name of the firm or party for whom the service is rendered.	Signer of the oath, who must be one of the firm.	Nature of the service rendered.	Fees.	

(Same oath as in No. 94.)

NOTE.—This Form is to be followed by Consular Officers residing at inland places, and a transcript thereof transmitted quarterly to the Secretary of the Treasury, if the Consular Officer is entitled to a salary, otherwise to the Secretary of State.

Form 96.

FORM No. 96.

Quarterly statement of fees received at the United States Consulate at ——, from the —— to the ——, inclusive.
(Paragraph 363.)

No.	Date of arrival. Mo.	Day.	Name of vessel.	Tons. Burden.	CREWS. Inward. No. Am'ts.	No. For.	Outward. No. Am'ts.	No. For.	Discharged. No.	Amt.	Shipped. No.	Amt.	Tonnage fees. Cts.	Dols.	Noting marine protest. Dols.	Extending marine protest. Cts.	Dols.	Issuing warrant of survey on vessels, hatches, cargo, and stores, or either. No.	Amt.	AUTHENTICATING COPIES OF— Note of marine protest. No.	Amt.	Extended marine protest. No.	Amt.	Call, warrant, and report of survey on vessel, hatches, cargo, and stores, or either. No.	Amt.	Letters, inventories, advertisem'ts, accounts of sales of vessel, cargo, stores, or other documents. No.	Amt.
18—																												

Form 96.

FORM No. 96—Continued.

AUTHENTICATING SIGNATURES.		CERTIFICATES.						Recording documents in consular records.		Filing documents in Consulate.		Letters to authorities; seal and signature of Consul to clearance and papers, roll, bill of health, &c.		Orders to send and release men from prison.		Acknowledgments of masters or merchants to bottomry bonds, bills of sale, and other instruments of writing.		Declarations and oaths of masters to ship's bills, inventories, &c.		Total of fees received on account of this vessel.		Date of clearance.		Remarks.
No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	Dols.	Cts.	Mo.	Day.	

Report of survey on vessels, hatches, cargo, stores, or either.

Estimate of repairs of vessel; account sales of vessel, cargo, and stores, or either, or other documents.

To crew list and shipping articles; of desertions, deaths, and of protected American seamen.

Debenture; invoice; currency; ownership; advertisements on bottomry; sale of vessel, cargo, &c.

Deviation from voyage; cancelling ship's register; appointing new master; Consul's decision and award on conduct of crew, &c.

Recording documents in consular records.

Filing documents in Consulate.

Letters to authorities; seal and signature of Consul to clearance and papers, roll, bill of health, &c.

Orders to send and release men from prison.

Acknowledgments of masters or merchants to bottomry bonds, bills of sale, and other instruments of writing.

Declarations and oaths of masters to ship's bills, inventories, &c.

Total of fees received on account of this vessel.

Date of clearance.

Remarks.

NOTE.—The above form is intended to embrace *only* the fees received on account of vessels for *official services*, and no fee is to be included therein not chargeable to, or paid on account of, the vessel for such official services, except *debenture, invoice*, and *currency* certificates, which, although generally paid by the merchant and not chargeable to the vessel, will be included when they refer to the goods discharged from, or shipped by, the vessel named in the return. The fees called for under different heads *must be* added up in their columns respectively; the additions of the several columns will show the aggregate amount of fees received under the head of "Total of fees received on account of this vessel."

Vessels remaining in port at the end of the quarter, and over to the succeeding quarter, must be noticed in the returns under the head "*date of clearance*," as "in port." These vessels so remaining over will head the list in the next returns *without being numbered.*

——— ———, *U. S. Consul.*

Forms 97 and 98.

FORM No. 97.

Extract from transcript of fee book of those fees not enumerated and contained in return of fees prescribed in Form No. 96, received at the Consulate of the United States at ———, from ——— to ———, inclusive. (Paragraph 364.)

No.	Date.	Name of vessel.	Name of party paying the fee.	Nature of the service rendered.	Amount.
20 31 50 60					

UNITED STATES CONSULATE AT ———,
December 31, 18—.

———, ———,
U. S. Consul.

NOTE.—The number inserted in the above Form must correspond with the number of the fee in the transcript of fee book.

FORM No. 98.

Aggregate return of fees at the Consulate of the United States at ———, and Consular Agencies connected with it, from ——— to ———, inclusive. (Paragraph 365.)

Name of Consular Officer.	Office.	Where located.	Fees for the quarter ending March 31.	Fees for the quarter ending June 30.	Fees for the quarter ending Sept. 30.	Fees for the quarter ending Dec. 31.	Total.	Remarks.

———, ———,
U. S. Consul.

NOTE.—This Form is to be transmitted to the Department of State, with the blanks properly filled, at the close of every year.

Forms 99, 100, and 101.

FORM No. 99.

Form of a consular account for compensation while receiving instructions. (Paragraph 366.)

GOVERNMENT OF THE UNITED STATES

To ——— ———,

Consul of the United States at ———, Dr.

For compensation for the period, namely, ——— days, from ——— to ———, actually and necessarily occupied in receiving instructions, as per certificate hereto annexed, agreeably to Form No. 125 . . . . . $

Received payment,

———— ————,

U. S. Consul.

To Hon. ——— ———,

Secretary of the Treasury.

FORM No. 100.

Certificate to accompany the account of a salaried Consul while receiving his instructions, immediately after appointment. (Paragraph 366.)

I hereby certify, that I have been actually and necessarily occupied in receiving my instructions ——— days; that is, from the ——— day of ———, 18—, the date of my commission as United States Consul at ———, to the ——— day of ——— following, the date of the receipt of the dispatch from the Department of State inclosing my passport.

———— ————,

U. S. Consul.

FORM No. 101.

Account for compensation while making the transit to the Consul's post of duty. (Paragraph 367.)

GOVERNMENT OF THE UNITED STATES

To ——— ———,

Consul of the United States at ———, DR.

For compensation for the period, namely, ——— days, from ——— to ———, actually and necessarily occupied in making the transit between my place of residence at ——— and my post of duty ———, as per certificate hereto annexed, agreeably to Form No. 126 . . . $

CR. By my draft on the Secretary of the Treasury . . $

———— ————,

U. S. Consul.

NOTE.—The days in which the Consul is *unnecessarily* delayed in making the transit must be deducted.

Forms 102, 103, *and* 104.

FORM No. 102.

Certificate to accompany the account of a salaried Consul for compensation while making the transit to his post of duty. (Paragraph 367.)

I hereby certify, that I have been actually and necessarily occupied in making the transit between my place of residence and post of duty ——— days, having left ———, the place of my residence, on the ——— day of ———, 18—, and arrived at ———, my post of duty, on the ——— day of ——— following.

———— ————,
U. S. Consul.

FORM No. 103.

Certificate to be executed by each Consular Officer, and to accompany his first account. (Paragraph 368.)

CONSULATE OF THE UNITED STATES AT ———,
———, 18—.

I, ———— ————, (Consul or Commercial Agent, as the case may be,) do certify that I entered upon the duties of this office on the ——— day of ———, 18—, and that I have since then continued in charge of the said office uninterruptedly to the present time.

———— ————,
U. S. Consul.

FORM No. 104.

Certificate to accompany the account of a Consul for compensation while making his transit from his post of duty to his place of residence. (Paragraph 369.)

I hereby certify that I have been actually and necessarily occupied in making the transit between my post of duty and the place of my residence ——— days, having left ———, my post of duty, on the ——— day of ———, 18—, and arrived at ———, my place of residence, on the ——— day of ——— following.

———— ————,
Late U. S. Consul.

Form No. 105.

FORM FOR STATING AN ACCOUNT FOR SALARY AND FEES, EXCLUSIVE OF SEAMEN'S WAGES OR EXPENDITURES FOR THEM.

The United States Government in account for fees with ——— ———, *(Consul General, Consul, or Commercial Agent,) at* ———, *under the act of August* 18, 1856. (Paragraph 375.)

Dr.				Cr.			
1856. Dec. 31.	To amount of my salary (as Consul General, Consul, or Commercial Agent) from October 1 to December 31, 1856, at $7,500 per annum.	.....	$1,875 00	1856. Dec. 31.	By amount of money received from sundry persons, during said period, and applied toward my salary, as per return of fees herewith, viz:		
					For discharging and shipping seamen.	$100 50	
					" tonnage fees	150 00	
					" noting and extending marine protests	50 25	
					" issuing warrants of survey	25 00	
					" authenticating copies of documents	120 00	
					" do signatures	80 00	
					" certificates	250 00	
					" recording and filing documents	25 00	
					" miscellaneous fees, consisting of letters, seal and signature, orders, acknowledgments, declarations, oaths, &c	300 75	
							$1,101 50
					By amount of my draft on the Honorable ——— ———, Secretary of State, at fifteen days' sight, acceptance waived	.....	773 50
			1,875 00				1,875 00

U. S. Consulate at ———, *December* 31, 1856.

——— ———, *Consul.*

Forms 106 *and* 107.

FORM No. 106.

Certificate to accompany Form 105. (Paragraph 375.)

CONSULATE OF THE UNITED STATES AT ———,
———, 18—.

I certify that I have not been absent from the district of my Consulate (or Commercial Agency, as the case may be) for a longer period than ten days within the quarter embraced in the above and foregoing account.

——— ———.

NOTE.—If absent for more than ten days at any one time, the Consular Officer should state day his absence commenced and the day it ceased.

FORM No. 107.

Usual form of draft. (Paragraph 375.)

CONSULATE OF THE UNITED STATES OF AMERICA AT ———,
——— ———, 18—.

———

$

———

Fifteen days after sight (acceptance waived) of this my first of exchange, (second and third of the same tenor and date unpaid,) pay ——— ———, or order, ——— $\frac{00}{100}$ dollars, the amount of disbursements at this Consulate on account of ——— ———, for the quarter ending ———, as per advice.

——— ———,
U. S. Consul.

Hon. ——— ———,
Secretary of State [*or Secretary of the Treasury, as the case may be*] *of the United States, Washington.*

NOTE.—The quarter is reckoned at the Treasury from the commencement of the fiscal year, which is on the 1st of July. In drawing upon the State or Treasury Department, Consular Officers will always insert in their drafts the words "acceptance waived."

Form 108.

FORM No. 108.

Second form of draft. (Paragraph 375.)

——— OF THE UNITED STATES,
———, 18—.

———

$

———

Fifteen days after sight of this first of exchange, (acceptance waived, and indorsements by procuration excepted,) second and third unpaid, pay to the order of ——— ———, ——— dollars, and charge the same to my account for ——— ———.

——— ———,
U. S. Consul.

To the Hon. ——— ———,
Secretary of ———,
Washington, D. C.

FORM No. 109.*

GENERAL QUARTERLY ACCOUNT. (Paragraph 376 and 379.)

——— ———, *United States Consul at* ———, *in account current with the Government of the United States.*

DR.		CR.	
To fees received at the United States Consulate at ———, during the quarter ending ———, 18—, as per statement herewith inclosed.....	$	By compensation of self, as established by the thirteenth section of the Consular and Diplomatic Appropriation Bill, for the year ending ———, 18—.....$——— Less income tax for the same time.....$ By rent of office at ———, as per voucher..... By stationery and miscellaneous expenses, as per vouchers ..... By amount paid for relief of destitute American seamen, as per vouchers ..... By expenses incurred in sending to the United States from foreign countries persons charged with crime, as per vouchers..... By expenses incurred under special instructions, as per vouchers..... By amount due the Government and paid by deposit with Messrs. Baring Brothers & Co., to the credit of the appropriation for the compensation of Consuls, agreeably to the thirteenth section of Circular No. 40, as per annexed voucher.....	$

———— ————,
U. S. consul at ———.

* See No. 106 for Form of certificate to accompany this.

Forms 110 *and* 111.

FORM No. 110.

Invoice book. (Paragraphs 377 and 401.)

Date of certificate.	Name of the vessel or party for whom service is rendered.	Where bound or whither sent.	Kind and character of the goods or merchandise.	Where produced.	Value, including costs and charges.

FORM No. 111.

Register of official letters received at the United States Consulate at ———.
(Paragraphs 377, 405, and 419.)

Name of the writ'r.	No.	Place and date of letter.	When received.	On what subject.	Number of inclosures.	Amount of postage paid on each letter.	Remarks.

Forms 112 *and* 113.

FORM No. 112.

Register of official letters sent from the United States Consulate at ———.
(Paragraphs 377, 406 and 419.)

Date.	No.	To whom and to what place sent.	On what subject.	Number of inclosures.	Amount of postage paid on each letter.

FORM No. 113.

Quarterly return of the arrival and departure of American vessels at the United States Consulate at ———, *from the* ——— *to the* ———, *inclusive.* (Paragraphs 377 and 408.)

Number.	DATE.		VESSELS.									CARGOES.								
												INWARD.					OUTWARD.			
	Month.	Day.	Class.	Name.	Tonnage.	Where from.	When built.	Where built.	Where belonging.	Where bound.	Owners.	Masters.	Where produced.	Where manufactured.	Description.	Quantity.	Value.	Where produced.	Where manufactured.	Description.	Quantity.	Value.

Form 114.

FORM No. 114.

Names of all deceased American citizens, including seamen or mariners, together with the value of the personal effects belonging to them, and taken possession of by or deposited with ——— ———, *United States Consul at* ———, *from* ——— *to* ———, *inclusive.* (Paragraph 377.)

Date of decease.	Name of person.	Of what place a native or resident.	If a seaman, to what vessel belonging.	Where deceased.	Value of effects.	Disposition made thereof.

FORM No. 115.

Condensed statement of navigation and commerce of the United States at the port of ——— during the quarter ending ———, 18—. (Paragraph 377.)

(Made up from consular returns.)

VESSELS.				CARGOES.					
ENTERED.		CLEARED.		INWARD.			OUTWARD.		
No. of vessels.	Where from.	No. of vessels.	Where for.	No. of vessels.	Description.	Value.	No. of vessels.	Description.	Value.
5	In port.....	2	Boston.....	2	.....	.....	2	Sugar, 344 hhds	$95, 000
		3	London.....	3	.....	.....	3	Teas, silks, drugs, &c ...	287, 000
8	Boston.....	5	Boston.....	5	Provisions, ice, &c.....	$99, 500	5	General cargo.....	110, 000
		2	New Orleans	2	Lumber, provisions, &c	25, 250	2	Dry goods and wines....	55, 000
		1	Hong Kong	1	General cargo.....	50, 500	1	Inward, put in for repairs.	50, 500
3	New York..	1	Havana	1	Flour, 2,000 bbls	20, 000	1	Flour, 2,000 bbls.....	15, 000
		1	In port.....	1	Provisions & machinery.	17, 500	1	In port	.....
		1	Condemned .	1	Chairs and assorted cargo	15, 250	1	Vessel condemned	.....
3	Baltimore...	2	Cardiff.....	2	Tobacco, 750 hhds.....	93, 750	1	Guano, 1,600 tons	48, 000
							1	Ballast.....	.....
		1	London.....	1	Tobacco, 450 hhds.....	75, 000	1	Saltpeter, wool, and silver.	85, 000
4	New Orleans	3	Melbourne..	3	Cotton, 10,125 bales.....	356, 250	3	General cargo.....	250, 000
		1	Sold	1	Cotton, 2,550 bales	100, 500	1	Vessel sold	.....
5	Liverpool...	4	Canton.....	4	General cargo	250, 000	4	Inward cargo, and rice...	300, 000
		1	Boston.....	1	Assorted merchandise ..	47, 500	1	Wines, fruit, &c	35, 250
28		28		28		1, 151, 000	28		1, 330, 750

Classes of vessels entered: 5 ships, 9 barks, 6 brigs, 3 schooners, and 5 in port.
Classes of vessels cleared: 7 ships, 9 barks, 6 brigs, 3 schooners, 1 sold, 1 condemned, and 1 in port.
Aggregate tonnage entered: 10,982.45-95.

(Signed) A B, *U. S. Consul.*

Forms 116 *and* 117.

FORM No. 116.

Abstract of the names and description of persons to whom passports have been issued at the Consulate of the United States at ———, *from* ——— *to* ———, *inclusive.* (Paragraph 377.)

No.	When issued.	To whom issued.	DESCRIPTION.											Remarks.
			Age.	Stature.	Forehead.	Eyes.	Nose.	Mouth.	Chin.	Hair.	Complexion.	Face.	Evidence of citizenship.	

———— ————,
U. S. Consul.

NOTE.—This return to be made every six months to the Department of State.

If the individual is a native citizen of the United States, the abstract should give his place of birth; if naturalized, the date of naturalization, the place where, and the name of the court by which a certificate of naturalization was granted, should be stated.

When husband, wife, and minor children expect to travel together, a single passport for the whole will suffice. For any other person in the party a separate passport will be required.

FORM No. 117.

Names of persons employed at the United States Consulate at ———. (Paragraphs 377 and 409.)

Name.	Place.	Of what country a citizen or subject.	Rank.	Date of nomination.	Date of approval.

NOTE.—This Form should be sent to the Department always at the close of the year, in order that the printed list of Consular Officers may be corrected.

Forms 118 *and* 119.

FORM No. 118.

Detailed list of seamen or mariners shipped, discharged, or deceased, at the Consulate of the United States at ———, *from* ——— *to* ———, *inclusive, and the payments made on account of each.* (Paragraphs 378 and 409.)

Date of discharge, shipment, or decease.	Name of seaman or mariner discharged.	Name of seaman or mariner shipped.	Name of seaman or mariner deceased.	To what vessel belonging.	Amount of payments made.

FORM No. 119.

Statement of hospital dues collected at the United States Consulate at ——— *for the quarter ending* ———, 18—. (Paragraph 378.)

Date.	Name of vessel.	Name of master.	Name of seaman.	Amount received.	Period for which it is collected, and remarks.
Total.....$					

U. S. CONSULATE AT ———,
———, 18—.

I hereby certify that the above statement contains a true and correct return of all moneys received by me as hospital dues during the period therein mentioned.

[Seal of Consulate.]

———, ———,
U. S. Consul.

Forms 120 *and* 121.

FORM No. 120.

Return of seamen who have come upon the Consulate otherwise than in the employment of vessels or by regular discharge therefrom. (Paragraph 378.)

CONSULATE OF THE UNITED STATES AT ———.

To the FIFTH AUDITOR OF THE TREASURY,
Washington, D. C.:

SIR: In accordance with instructions, I herewith transmit the following list of American seamen who have come upon this Consulate otherwise than in the employment of a vessel or by regular discharge therefrom during the quarter ending this day.

Name of seaman.	Date of arrival.	Name of vessel in which he came.	Post or place from which he came.	Date and cause of leaving said port or place.

[SEAL.] ———— ————,
U. S. Consul.

FORM No. 121.

Mode of calculating consular salaries. (Paragraph 376.)

Consular salaries must be calculated by the quarter, and for both days inclusive. The same mode of calculation must be observed with regard to fractions of quarters. The following calculations are given as examples, viz:

EXAMPLE No. 1.

For amount of my salary as Consul at ———, from 1st January to 31st March, 1856, inclusive, being one quarter, at the rate of $3,500 per annum $875 00

EXAMPLE No. 2.

Fraction of a quarter.

* * * * * from 1st April to 20th June, 1856, inclusive, being 81 days of the quarter ending 30th June, 1856, at the rate of $3,500 per annum $778 84

Form 121.

To be calculated as follows, viz:

April,	30 days,			April,	30 days,
May,	31 "			May,	31 "
June,	30 "			June,	20 "
	91 "	:	$875.00	: :	81 "

81

87500
7000

91)7087500(778.84
637

717
637

805
728

770
728

420
364

56

91

EXAMPLE No. 3.

For fraction of quarter ending 30th September, at $3,500 per annum:

July,	31 days,			July,	31 days,
August,	31 "			August,	31 "
September,	30 "			September,	20 "
	92 "	:	$875.00	: :	82 "

EXAMPLE No. 4.

* * * * * from 1st July to 20th December, 1856, inclusive, 5 months, 20 days, at the rate of $3,500 per annum.... $1,645 38

Thus stated—

Quarter ending 30th September, 1856..... 875 00

Fraction quarter ending 31st December, 1856..... 770 38

October,	31 days,			October,	31 days,
November,	30 "			November,	30 "
December,	31 "			December,	20 "
	92 "	: :	$875.00	: :	81

Form 122.

FORM No. 122.

Passport book. (Paragraph 402.)

No.	Date.	Name.	Last residence.	Place of birth.	Profession.	Evidence upon which the passport is granted.	Place for which a visa is given.	Description.	Signature of the person to whom the passport is granted.	Remarks.
								Age, Stature, Forehead, Eyes, Nose, Mouth, Chin, Hair, Complexion,		

Form 123.

FORM No. 123.

SHIP'S DAILY JOURNAL. (Paragraph 414.)

In which, on the deposit of the ship's register and papers, shall be recorded, for example, as follows:

SHIP ——, OF ——, —— TONS, —— ——, MASTER.

Date of entry and of service rendered.						
1856.						
Jan.	2	Arrived —— day of ——, 18—.				
		From ——.				
		When built, ——, 18—.				
		Where built, ——.				
		Owners, —— —— and others.				
		Cargo, inward, [here insert where produced or manufactured].....value.	$.....	....	.....	....
		Cargo, outward, [here insert where produced or manufactured].....value.	.....	....	.....	....
		A B, master.				
		C D, mate.				
		E F, 2d mate.				
"	3	G H, boatswain, alias I J, sent to hospital.				
		K L, carpenter, discharged; wages paid, $50; 3 months' extra wages, at $20, $60.	.....	....	$110	00
"	2	M N, steward, reported to have been lost overboard at sea, (or to have died at sea,) December 21, 1856, wages paid.	.....	....	16	00
"	8	O P, cook, reported to have deserted; amount of wages forfeited to the U. S	.....	....	50	00
		Q R, seaman.				
		&c. &c.				
"	20	Shipped for voyage to ——.				
		—— ——, boatswain.				
		—— ——, carpenter.				
		—— ——, steward.				
		—— ——, cook.				
"	21	Register and papers delivered to master, bound to ——.				

NOTE.—Should any of the seamen or mariners have died at sea, or have been lost overboard on the passage, the fact will be reported at once by the master, and a note thereof made opposite to the name of such person so deceased or lost; as, for example, see Steward. Should any seaman or mariner be discharged, or desert, a similar note of the fact must be made opposite to such deserter's or discharged seaman's name; as, for example, see Carpenter and Cook. In case any seaman or mariner has taken the name of any other seaman or mariner, who may have deserted or otherwise absented himself, after the clearing of the vessel, in the United States or elsewhere, such seaman or mariner's correct and proper name must be entered opposite the name of the seaman or mariner so deserting or absenting himself; as, for example, see Boatswain. And in the event of the seaman or mariner's taking the name of another seaman or mariner as aforesaid, entering the hospital, being discharged, or deserting, the order to the hospital, certificate of discharge or desertion, and consular returns must contain the name of said seaman or mariner so taking the place of the absconding seaman; as, for example, see Boatswain.

Forms 124 and 125.

FORM No. 124.

Form of bond for a Marshal of a Consular Court. (Paragraph 451.)

Know all men by these presents, that we, ———, ———, and ———, of the ——— of ———, in the ——— of ———, are held and firmly bound unto the United States of America in the sum of ——— thousand dollars, lawful money of the said United States, to be paid to the said United States; for which payment well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Signed with our hands and sealed with our seals this ——— day of ———, 18—.

The condition of the above obligation is such, whereas the President of the United States hath, pursuant to law, appointed the said ——— to be Marshal of the United States for the Consular Court of ———, to have and to hold the same, with all the rights, privileges, and emoluments thereto lawfully appertaining, during the pleasure of the President for the time being, as by a commission to him bearing date the ——— day of———, 18—, more fully appears.

Now, if the said ——— shall faithfully perform all the duties of the said office of Marshal, then this obligation to be void; otherwise, to remain in full force and virtue.

Witnesses:

——— ———. [L. S.]
——— ———. [L. S.]
——— ———. [L. S.]

FORM No. 125.

FORM OF RETURN OF A MARSHAL OF A CONSULAR COURT. (Paragraph 451.)

United States Consular Court at ———. *Return of suits for the quarter ending* ———, 18—.

Number of case.	Date of first proceedings.	Name and nationality of plaintiff.	Name and nationality of defendant.	Nature of suit.	Judgment.	Amount of fines imposed.	Amount of fees charged and received.	Disposition of fines and fees.	Appeal.

——— ———,
Marshal of the U. S. Consular Court,
——— ———.

Forms 126 *and* 127.

FORM No. 126.

Declaration to be made by the purchaser or owner, where merchandise has been actually purchased. (Paragraph 477.)

I, ——— ———, of ———, in the county of ———, do solemnly and truly declare that I am the [purchaser, or owner, as the case may be] of the goods, wares, or merchandise in the annexed invoice mentioned and described; that the said invoice is in all respects true; that it contains a true and full statement of the time when and the place where the goods, wares, and merchandise therein mentioned, and which are subject to any ad valorem rate of duty, or to any duty regulated or directed by law to be estimated, or based upon the value of the square yard, or of any other specified quantity or parcel, were purchased; and the *actual cost and quantity* thereof, and of all charges thereon; that no discounts, bounties, or drawbacks are contained in said invoice, but such as have been actually allowed thereon; that the currency in which said invoice is made out is the currency which was actually paid, or is to be paid, for said goods, wares, and merchandise; and that no different invoice thereof has been or will be furnished to any one.

I further declare that it is intended to make entry of the goods, wares, and merchandise mentioned in said invoice at the port of ———, in the United States of America. Dated at ———, this ——— day of ———, 18—.

——— ———.

FORM No. 127.

Declaration to be made by the owner or manufacturer, or duly authorized agent of such owner or manufacturer, where goods have been procured otherwise than by purchase, and to be indorsed on, or attached by seal and tape to, each of the triplicate invoices. (Paragraph 477.)

I, ——— ———, of———, do solemnly and truly declare that I am ——— of the goods, wares, and merchandise in the within invoice mentioned and described; that the said invoice is in all respects true; that it contains a full and true statement of the *actual market value* of such of the said goods, wares, and merchandise as are subject to any ad valorem rate of duty, or to any duty regulated or directed by law to be estimated or based upon the value of the square yard, or of any other specified quantity or parcel, at the time and place, when and where, the same were manufactured or procured, of the actual quantity of said goods, wares, and merchandise, and of all charges thereon; that no discounts, bounties, or drawbacks are contained in said invoice, except such as have been actually allowed thereon; and that no invoice different from the one now produced has been or will be furnished to any one. I further

declare that it is intended to make entry of said goods, wares, and merchandise at the port of ———, in the United States of America.

(Signed in triplicate.)

——— ———.

——— ———.

Dated at ———, this ——— day of ———, 18—.

NOTE.—After the word "I" insert the name of the person making the declaration; after the word "of," insert the name of the place; after the words "I am," the corresponding designation as manufacturer or owner; after the signature, insert the designation.

FORM No. 128.

Certificate to be indorsed on, or attached by seal and tape to, each of the triplicate invoices. (Paragraph 470.)

I, ——— ———, of the United States, at ———, do hereby certify that at ———, on this —— day of ———, anno Domini, 18—, the within invoice, numbered ———, in which are mentioned and described certain [*here insert a general description of the kinds of merchandise mentioned in the invoice,*] amounting, with the charges thereon, to the gross sum of ———, was produced to me by ——— in person, the [*owner or otherwise*] of the goods, wares, and merchandise therein mentioned, who thereupon declared in writing, in my presence, that it was intended to make entry of said goods, wares, and merchandise at the port of ———, in the United States of America.

I do further certify that I am satisfied that the person making the declaration hereto annexed is the person he represents himself to be; and that the actual market values, or wholesale prices of the goods, wares, and merchandise described in the said invoice, in the principal markets of the country, and at the time of exportation, are correct and true, (or as set forth in the column of consular corrections of estimates.)

Witness my hand and seal of office, at ———, the day and year aforesaid.

[L. S.] ——— ———,

——— ———.

NOTE.—Insert after the name in the first line the proper title of the Consular Office, and after the word "certain" a general description of the kind of merchandise mentioned in the invoice. On the [L. S.] place the seal of the Consulate.

FORM No. 129.

Receipt of master of vessel for invoices to be delivered to the collector of customs at the port of entry. (Paragraph 489.)

———, 18—.

I acknowledge the receipt of a package of invoices made up and

Form 130.

sealed with the consular seal of the Consul at this port, directed to the collector at ——, which I promise to deliver on the entry of the [*ship or other vessel*] under my command, at the said port of ——

(Signed) ——— ———,
Master of ———.

FORM No. 130.

Consular certificate accompanying declaration. (Paragraph 470.)

I,
——— ———.

CONSUL OF THE UNITED STATES,
at ——,

do hereby certify that the annexed invoice, in which are mentioned and described certain goods, wares, and merchandise, consisting of ———————

No. ——.

INVOICED BY

———————————— ————————————

as having been actually by them

CONSIGNED TO

———————————— ————————————

———, and amounting, with the charges thereon, to the gross sum of ———————

£ ———

was produced to me on this—— ——— day of ———, 18—.

by ———————————

———————, one of the [*purchasers or owners*] of the goods, wares, and merchandise therein mentioned, who thereupon declared, in my presence, that it was intended to make entry of said goods, wares, and merchandise, at the port of ——— in the United States of America; and I do further certify that I am satisfied that the person making the declaration hereto annexed is the person he represents himself to be; and that the actual market values or wholesale prices of

————————————

Form 131.

the goods, wares, and merchandise described in the said invoice, in the principal markets of the country, and at the time of exportation, are correct and true,[or as set forth in the column of consular corrections of estimates;] also, that ——— ——— ——— before whom the annexed declaration hath been made, is a duly-authorized Commissioner to administer oaths in chancery in England, and to take declarations in lieu of oaths.

In testimony whereof, I have hereunto set my hand, and affixed the seal of the Consulate, at ———, in triplicate, this day and year next above written.

——— ———,
Consul of U. S. of A., at ———.

NOTE.—The above Form being printed on the back of a declaration to an invoice intended to exhibit, when properly folded, the names of shippers, consignees, &c., in a convenient manner for filing in the Consulate or custom-house.

FORM No. 131.

Transmission of invoices to collectors. (Paragraph 488.)

UNITED STATES CONSULATE,
———, 18—,

To ——— ———,
Collector of Customs at ———.

SIR: In pursuance of instructions, I transmit herewith ——— triplicate invoices, properly indorsed, of goods, as per descriptive list, hereto annexed.

I am, sir, your obedient servant,

——— ———,
U. S. Consul.

Forms 132, 133, *and* 134.

FORM No. 132.

Descriptive list of triplicate invoices. (Paragraph 488.)

No. of invoice.	Name of the shippers.	Consignee.	Amount of invoices.	By what ship.

FORM No. 133.

Certificate of the value of currency. (Paragraph 485.)

I, ——— ———, Consul of the United States of America, do hereby certify that the true value of the currency of the ——— of ———, in which currency the annexed invoice of merchandise is made out, is ——— cents, estimated in American or Spanish silver dollars.

——— ———.

FORM No. 134.

Declaration to be made by the owner or manufacturer, where goods have been procured otherwise than by purchase. (Paragraph 477.)

I, ——— ———, of ———, in the county of ———, do solemnly and truly declare that I am the [*owner or manufacturer*] of the goods, wares, and merchandise in the annexed invoice mentioned and described, and that said invoice is in all respects true; that it contains a true and full statement of the *actual market value* of such of the said goods, wares, and merchandise as are subject to any ad valorem rate of duty, or to any duty regulated or directed by law to be estimated or based upon the value of the square yard or of any other specified quantity or parcel, at the time and place when and where the same were procured or manufactured; of the actual quantity of said goods, wares, and merchandise, and of all charges thereon; that no discounts, bounties, or drawbacks are contained in said invoice, except such as have been actually allowed thereon; and that no invoice different from the one now produced has been or will be furnished to any one.

Form 135.

I further declare that it is intended to make entry of said goods, wares, and merchandise at the port of ———, in the United States of America.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an act made and passed in the fifth and sixth years of the reign of his Majesty King William the Fourth, intituled "An act to repeal an act of the present session of Parliament, intituled an act for the more effectual abolition of oaths and affirmations taken and made in various departments of the State, and to substitute declarations in lieu thereof, and for the more entire suppression of voluntary and extra-judicial oaths and affidavits, and to make other provisions for the abolition of unnecessary oaths."

———— ————.

Declared at ———, in the county of ———, the ——— day of ———, 18—, before me.

———— ————,

A Commissioner to administer oaths in chancery in England, and to take declarations in lieu of oaths.

NOTE.—This Form is to be used in Great Britain when the declaration is made before a Commissioner, whose qualification must be certified by the Consul, agreeably to Form No. 148. If the oath or declaration is made before a Justice of the Peace, Notary Public, or other competent officer, the proper term should be used instead of Commissioner.

FORM No. 135.

Declaration, under oath or affirmation, to be made by the owner, agent, or consignee of merchandise, or conductor of a railroad car, to manifest of merchandise imported from foreign territory contiguous to the United States, under act of June 27, 1864. (Paragraph 483.)

I, A B, owner, (agent, or consignee,) of the merchandise laden on board, or conductor of (*here insert the name of the railroad company*) car, numbered —, now about to depart, and destined for (*the port of destination,*) do solemnly swear (or affirm) that this manifest contains, to the best of my knowledge and belief, a full and complete list and description of the contents of the said car, and that the quantities and value of said contents are in this manifest faithfully and correctly stated.

———— ————.

Subscribed and sworn (or affirmed) to before me this —— day of ———, 1870.

———— ————.

Form 136.

FORM No. 136.

Sample card. (Paragraph 474.)

Consular No. of the invoice.	
Marks and No. of the packages.	
Name of the shipper.	
Name of the consignee.	
Kind of merchandise.	
Width of merchandise.	
Invoiced price.	
Discount.	
Date of the invoice.	
Remarks.	

——— do certify that the sample hereto annexed is a fair and true sample of piece No. ———, contained in the package No. ——— above mentioned, and that the foregoing statement is in all respects true.

——— ———.

——— ———.

FORM No. 137.

Table of equivalents. (Paragraph 485.)

The following is a list of foreign currencies, the values of which have been fixed by the laws of the United States.

Coin.	Value.	Date of acts.
Dollar, specie, of Sweden and Norway	$1 06	May 22, 1846.
Dollar, specie, of Denmark	1 05	
Dollar, thaler, of Prussia and the Northern States of Germany	69	
Dollar, rix, of Bremen	78¾	March 3, 1843.
Dollar, thaler, of Bremen, of 72 grotes	71	
Dollar, pillar, of Spain, and dollar of Mexico, Peru, and Bolivia, when shown by assay to be of the weight and fineness required by law	1 00	
Dollar of Chili and Central America, and the same re-stamped in Brazil, when of the weight and fineness required by law	93	
Ducat of Naples	80	May 22, 1846.
Florin, silver, of the Empire of Austria, and city of Augsburg	48½	
Florin, new	46 19-100	March 2, 1861.
Florin of the Southern States of Germany	40	May 22, 1846.
Florin, or guilder, of the Netherlands	40	March 2, 1799, § 61.
Franc, five piece, when of the required weight and fineness	93	March 3, 1843.
Franc of France	18 6-10	May 22, 1846.
Franc of Belgium	18 6-10	
Guilder of the Netherlands. (See Florin.)		
Lira of Sardinia—present kingdom of Italy	18 6-10	
Livre tournois of France	18½	March 2, 1799, § 61.
Mark banco of Hamburg	35	March 3, 1843.
Milrea of Portugal	1 12	
Milrea of Madeira	1 00	
Milrea of the Azores	83½	
Ounce of Sicily	2 40	May 22, 1846.
Pagoda of India	1 94	March 2, 1799, § 61.
Pagoda, star, of Madras	1 84	March 3, 1801, § 1.
Pound sterling of Great Britain, and of Jamaica	4 84	July 27, 1842.
Pound of British provinces of Nova Scotia, New Brunswick, Newfoundland, and Canada	4 00	May 22, 1846.
Real of plate of Spain	10	March 2, 1799, § 61.
Real of vellon of Spain	05	
Rouble of Russia	75	March 3, 1843.
Rupee of British India	44½	
Tael of China	1 48	March 2, 1799, § 61.

Forms 138 *and* 139.

FORM No. 138.

Table of sterling currency, with the equivalents in United States currency. From the official copy in use in the First Comptroller's Office, Treasury Department, Washington. (Paragraph 485.)

£.		$	Cts.	S.		$	Cts.
1	Equal to	4	84	1	Equal to		24 1-5
2	Do	9	68	2	Do		48 2-5
3	Do	14	52	3	Do		72 3-5
4	Do	19	36	4	Do		96 4-5
5	Do	24	20	5	Do	1	21
6	Do	29	04	6	Do	1	45 1-5
7	Do	33	88	7	Do	1	69 2-5
8	Do	38	72	8	Do	1	93 3-5
9	Do	43	56	9	Do	2	17 4-5
10	Do	48	40	10	Do	2	42
11	Do	53	24	11	Do	2	66 1-5
12	Do	58	08	12	Do	2	90 2-5
13	Do	62	92	13	Do	3	14 3-5
14	Do	67	76	14	Do	3	38 4-5
15	Do	72	60	15	Do	3	63
16	Do	77	44	16	Do	3	87 1-5
17	Do	82	28	17	Do	4	11 2-5
18	Do	87	12	18	Do	4	35 3-5
19	Do	91	96	19	Do	4	59 4-5
20	Do	96	80	20	Do	4	84
50	Do	242	00				
100	Do	484	00				
200	Do	968	00				
300	Do	1,452	00	D.		$	Cts.
400	Do	1,936	00				
500	Do	2,420	00				
600	Do	2,904	00				
1,000	Do	4,840	00	1	Equal to		2 1-60

FORM No. 139.

Verification of the delivery of merchandise at a foreign port, to be executed by a Consul or Agent of the United States. (Paragraph 496.*)

I, ——— ———, (Consul *or* Agent) of the United States of America, at the city of ———, do declare that the facts set forth in the preceding certificate, subscribed by ——— ———, of the said city, merchant, and dated the —— day of ———, are, (to my knowledge, just and true; *or*, are, in my opinion, just and true, and deserving full faith and credit.)

In testimony whereof I have hereunto subscribed my name and affixed the seal of my office at ———, this —— day of ———, 18—.

[SEAL.] ——— ———, *Consul.*

* See Forms Nos. 143, 144, 145, 146, for exportations of tobacco and snuff.

Forms 140, 141, *and* 142.

FORM No. 140.

Verification of the delivery of merchandise, to be executed by American or foreign merchants, as the case may require. (Paragraph 496.*)

We, ——— ———, residing in the city of ———, do declare that the facts stated in the preceding certificate, signed by ——— ———, of the said city, merchant, on the —— day of ———, are, (to our knowledge, just and true; *or*, are, in our opinion, just and true, and worthy of full faith and credit.) We also declare that there is (no Consul or other public agent for the United States of America, *or* American merchants, *as the case may require*,) now residing at this place.

Dated this —— day of ———, at the city of ———.

[*Signatures.*]

* See Forms Nos. 143, 144, 145, 146, for exportations of tobacco and snuff.

FORM No. 141.

Certificate of a consignee, declaring the delivery of merchandise at a foreign port. (Paragraph 496.*)

I, ——— ———, of the [*town or city*] of ———, merchant, do hereby certify that the goods or merchandise hereinafter described have been landed in this [*city, town, or port*] between the —— and —— days of ———, from on board the ———, of ———, whereof ——— ——— is at present master, viz: [*here describe the merchandise,*] which, according to the bills of lading for the same, were shipped on board the ———, at the port of ———, in the United States of America, on or about the —— day of ———, and consigned to [*me or to us*] by ——— ———, of ——— aforesaid, merchant, [*or* by the master of said ———.]

Given under my [*or our*] hands at the [*city*] of ———, this —— day of ———, 18—.

* See Forms Nos. 143, 144, 145, 146, for exportations of tobacco and snuff.

FORM No. 142.

Oath, or affirmation, of the principal officers of a vessel confirming the landing of merchandise at a foreign port. (Paragraph 496.)

PORT OF ———.

We, ——— ———, master, and ——— ———, mate, of ———, lately arrived from the port of ———, in the United States of America, do solemnly [swear, *or* affirm] that the goods or merchandise enumerated and described in the preceding certificate, dated

Form 143.

the —— day of ———, and signed by ——— ———, of the city of ———, merchant, were actually delivered at the said port, from on board the ———, within the time specified in the said certificate.

Sworn [*or* affirmed] at the city of ———, before me, this —— day of ———, in the year ——.

——— ———.
——— ———.

FORM No. 143.

Certificate of consignee, declaring the delivery of tobacco or snuff at a foreign port. (Paragraph 496.)

PORT OF ———, ———, 18—.

I, ——— ———, of ———, do hereby declare that the goods or merchandise hereinafter described has been landed at this port, between the —— and —— days of ———, from on board the ——— of ———, whereof ——— ——— is at present master, viz:

Marks and numbers.	Description of goods.	Pounds.	Rate of tax.	Am't of tax.

Which goods or merchandise, according to the bills of lading for the same, was shipped on board the ——— at the port of ———, in the United States of America, on or about the —— day of ———, 18—, and consigned to ——— ———, by ———, of ——— aforesaid.

Given under my hand at ———, this —— day of ———, 18—.

(Signed) ——— ———.

Forms 144, 145, *and* 146.

FORM No. 144.

Oath, or affirmation, of the principal officers of a vessel, confirming the landing of snuff or tobacco at a foreign port. (Paragraph 496.)

PORT OF———, ———, 18—.

We, ——— ———, master, and ——— ———, mate of the steamship (or other vessel) ———, of ———, in the United States of America, do solemnly swear that the goods or merchandise enumerated and described in the preceding certificate, dated the —— day of ———, 18—, and signed by ——— ———, of the city of ———, consignee, was actually delivered at the said port from on board the said steamship (or vessel) within the time specified in the said certificate.

——— ———, *Master.*
——— ———, *Mate.*

Sworn at the port of———, before me this —— day of ———, 18—.

FORM No. 145.

Verification of the delivery of snuff or tobacco at a foreign port, to be executed by a Consul or Agent of the United States. (Paragraph 496.)

OFFICE OF ——— ———,
Port of ———, ——— ——, 18—.

I, ——— ———, (Consul or Agent,) of the United States of America at the port of ———, do declare that the facts set forth in the foregoing declaration subscribed by ——— ——, of said port, and dated the —— day of ———, 18—, are, in my opinion, true and correct, and deserving of full faith and credit; and I further certify that the signature thereto is in the handwriting of said ——— ———.

In testimony whereof I have hereunto subscribed my name and affixed the seal of my office at ———, this —— day of ———, 18—.

(Signed) ——— ———, *Consul.* [SEAL.]

FORM No. 146.

Verification of the delivery of snuff or tobacco, to be executed by American or foreign merchants, as the case may require. (Paragraph 496.)

We, ——— ———, ——— ———, merchants, residing at the ——— of ———, do declare that the statements made in the preceding certificate, signed by ——— ———, of the said ——— ———, merchants, on the —— day of ———, are, in our opinion, correct and true, and worthy of full faith and credit. We also declare that

Form 147.

there is no Consul or public Agent of the United States of America, nor ——— ———, now residing at this place.

Given under ——— hands at the ——— of ———, aforesaid, this —— day of ———, 18—.

The above certificate is to be used only in cases where there is no United States Consul or Agent residing at the foreign port of landing and delivery. And in all such cases this verification is to be signed by two American merchants, if any such reside there, stating themselves as such; and in failure of both of these, by two respectable foreign merchants; in which case the last blank must be filled up with the words "nor American merchants."

MISCELLANEOUS UNOFFICIAL FORMS.

For the convenience of Consuls the Department adds the following miscellaneous forms, which have been contained in previous regulations. The attention of Consuls is particularly called to the fact that the Department is in no way responsible for their correctness, and that the Consular Officer using them must, at his own peril, satisfy himself that any particular form is proper in and applicable to the particular case in which he seeks to use it. The laws of different States vary essentially in requirements as to the form and mode of execution of such instruments, as to the number of witnesses necessary to their validity, and in other respects.

FORM No. 147.

Bill of sale of a vessel.

Know all men by these presents, that we, ——— ——— and ——— ———, owners of the ———, of ———, for and in consideration of the sum of ——— to ——— ——— in hand paid at or before the ensealing and delivery of these presents by ——— ———, the receipt whereof is hereby acknowledged, have granted, bargained, sold, assigned, transferred, and set over, and by these presents do grant, bargain, sell, assign, transfer, and set over, unto the said ——— ———, ——— executors, administrators, and assigns, ——— together with ———, her masts, yards, sails, rigging, anchors, cables, boats, tackle, apparel, and appurtenances, as she ———, and as she is more particularly described in a certificate of register granted her at the port of ———, in the following words:

[Here insert copy of the register.]

To have and to hold the said ———, and the appurtenances thereunto belonging, unto the said ——— ———, ——— executors, administrators, and assigns, to the only proper use and behoof, and as the proper goods and chattels of the said ——— ———, ———

executors, administrators, and assigns, from henceforth, forever; and we, the said ——— ——— and ——— ———, for ourselves, our executors, and administrators, do hereby covenant and agree to and with the said ——— ———, ——— executors, administrators, and assigns, that at the execution of these presents, we are, as aforesaid, the true and lawful owners of the said ———, called the ———, of ———, with the appurtenances thereunto belonging, and have full right and authority to sell and dispose of the same, and that she is freed from and cleared of all claims, encumbrances, or demands whatsoever.

In witness whereof ——— have hereunto set ——— hand- and seal-, the ——— day of ———, A. D. 18—.

——— ——— [L. S.]
——— ——— [L. S.]

Signed, sealed, and delivered in presence of—
——— ———.

FORM No. 148.

Acknowledgment to bill of sale.

CONSULATE OF THE UNITED STATES OF AMERICA AT———,
———, 18—.

I, the undersigned, Consul, &c., do hereby certify that ——— ——— signed and sealed the above bill of sale in my presence, and in presence of the witnesses thereto, and acknowledged the same to be his act and deed for the purpose, therein mentioned.

Given, &c.

———,
U. S. Consul.

FORM No. 149.

Mortgage bill of sale of a vessel.

Know all men by these presents, that whereas ——— ——— is indebted unto ——— ———, of ———, in the sum of ——— dollars, and to secure the payment thereof on or before the ———, the said ——— ——— desires to mortgage all his ——— or vessel called the ———, of ———: Now, know ye, that the said ——— ———, for and in consideration of the premises, and also of the sum of one dollar to ——— in hand paid at the time of the ensealing and delivery of these presents, by ——— ———, the receipt whereof is hereby acknowledged, ———, granted, bargained, sold, assigned, transferred, and set over, and by these presents do grant, bargain, sell, assign, transfer, and set over, unto the said ——— ———, to-

gether with ———, her masts, yards, sails, rigging, anchors, cables, boats, tackle, apparel, and appurtenances, as she is at this time, and is more particularly described in a certificate of register granted her at the port of ———, in the following words:

[Here insert copy of register.]

To have and to hold [as per concluding part of a bill of sale for a vessel.] Provided always, and these presents are upon this condition, nevertheless, that if the said ——— ———, executors or administrators, shall well and truly pay, or cause to be paid, unto the said ——— ———, executors, administrators, or assigns, the sum of ———, and the interest, at the time limited as aforesaid, that then and from thenceforth these presents, and everything herein contained, shall cease and determine, and be absolutely void; otherwise, to be and remain in full force and virtue. And it is hereby covenanted and agreed, by and between the parties to these presents, that if default shall be made in the payment of the said ——— ———, then and from thenceforth it shall be lawful for the said ——— ———, executors, administrators, or assigns, to enter upon and take possession of ——— or vessel, her masts, yards, sails, rigging, anchors, cables, boats, tackle, apparel, and appurtenances aforesaid; and to grant, bargain, sell, and dispose of the same, and all other the premises aforesaid, at public auction or vendue, in the city of ———, or elsewhere, first giving ——— days' notice of the time and place of such sale, and as the attorney of the said ——— ———, or otherwise, to make, seal, execute, and deliver to the purchaser or purchasers thereof a good and sufficient bill of sale, or other conveyance therefor; and out of the moneys arising from such sale, to retain all such sums of money which shall then be due on such ———, according to the true intent and meaning thereof; together with all costs and expenses attending such sale; returning the surplus money (if any) to the said ——— ———, executors, administrators, or assigns.

In witness whereof ——— have hereunto set ——— hand and seal this —— day of ———, in the year of our Lord one thousand eight hundred and ———.

——— ———. [L. S.]

Signed, sealed, and delivered in the presence of—

——— ———.

FORM No. 150.

Average bond.

Whereas the ———, of ———, of the burden of ——— tons, ——— ——— master, on her voyage from ——— to ———, laden with ———, encountered boisterous and tempestuous weather, whereby she became disabled, and for the safety of all concerned had to be carried into ———, where the cargo was landed and the

vessel repaired, and certain expenses were thus incurred in the nature of general average; and the said vessel having arrived at the port of ———, the said master declines to deliver the said cargo, or any part thereof, until he is secured in the payment of all such average, share, or proportion of the said expenses as justly falls unto the said cargo: Now we, the subscribers, owners and consignees of the cargo shipped on board the ——, at ———, as aforesaid, do hereby promise and agree and bind ourselves respectively by these presents, to pay, or cause to be paid, to the said master or his assigns, our respective proportions or parts of the general average, and other expenses accrued or accruing as above mentioned, as soon as the same shall be properly adjusted and ascertained, agreeably to established custom, usage, and rule of trade in ——— in similar cases.

———, ———, 18—.

Name of owner and consignee.	Cargo.	Interest.

FORM No. 151.

Charter-party.

This charter, party of affreightment, made and concluded this ——— day of ———, in the year of our Lord eighteen hundred and ———, between ——— ———, of the city of ———, merchants, agents for the American brig or vessel called the ——— of ———, now lying in the port of ———, whereof ——— ——— is master, of the one part, and ——— ———, of ——, aforesaid, merchants, charterers, or freighters of said brig, of the other part, witnesseth: That the said ——— ———, as agents aforesaid, for the consideration hereinafter mentioned, have this day letten the said brig or vessel to freight, and by these presents do let her whole reach, burden, and appurtenances to the said freighters, reserving only the cabin for the master and officers, and sufficient room under the deck for the crew, provision, cable, &c., for a voyage from ——— to ———, or to ———, at the option of said freighters, with the privilege of using the port of ——— for orders; and the said freighters have, by these presents, hired the same in manner and form following, that is to say: that the said brig is now, and at all times during the said voyage shall be, at the expense of her owners, to be kept tight, stanch, and strong, well manned, victualled, and pro-

Form 151.

vided with everything necessary for the said voyage; and also that the said brig, being now ready, shall immediately receive and take on board in the port of ———, ———, as said brig can with safety stow and carry, which are to be furnished by the said freighters, alongside of said brig within reach of her tackle; and also that said brig, being so laden, the master shall, with the first favorable opportunity of wind and weather thereafter, depart with the said brig, and the cargo on board, and proceed direct to any one of the above-mentioned ports or places as may be designated by the said freighters, or he shall proceed direct to ———, to receive orders, and then proceed to whichever of the said ports or places he may there be directed to proceed to, and upon his arrival at such port make a safe delivery of the said cargo to the said freighters, their agents or assigns, in the usual and customary manner of delivering such cargoes in such port, the delivery to be made within reach of the brig's tackle; and for the loading at ——— and unloading at the outward port or ports shall lay ——— running days, if required, and so end the voyage, the dangers of the seas, restraints of princes and rulers, fire and enemies, during the time, always excepted. In consideration whereof, the said ——— ——— promise and agree not only to deliver the cargo at ———, as aforesaid, receive the same at one of the ports in Europe as aforesaid, within the days limited as aforesaid, but shall and will pay or cause to be paid to ——— ———, of ———, their agents or assigns, in full for the freight, hire, and port charges of said brig ——— and ——— for each and every ———, and ——— for each and every ——— on board the said brig, with ——— per cent. primage, the whole to be considered earned, due, and payable on delivery of said cargo at the port of discharge, free and clear of any commissions or discounts whatsoever, in the lawful currency of ———, together with the sum of ——— demurrage for each and every day that said brig shall be detained over and above the time hereinbefore limited, provided the same shall be caused by the said freighters, their agents or assigns. And for the true and faithful performance of this agreement, according to its true intent and meaning, the said agents bind the said ——— ———, and the freight earned and to be earned, and the said freighters bind themselves and the merchandise laden and to be laden on board the said brig, each to the other, in the penal sum of ———, lawful money of ———, firmly by these presents.

In witness whereof, the said parties have hereunto subscribed the names of their respective firms, the day and year aforesaid.

——— ———.

——— ———.

Signed, sealed, and delivered in presence of

———.

Form 152.

FORM No. 152.

Charter-party.

This charter, party of affreightment, made and concluded this ——— day of ———, in the year of our Lord eighteen hundred and ——, between ——— ———, of ———, owner of the ——— or vessel called the ———, of ———, of the burden of ——— tons, or thereabouts, of the one part, and ——— ——— of ———, of the other part, witnesseth: That the said ——— ———, for himself and the other owners of said vessel, for the consideration hereinafter mentioned, hath hired to freight, and by these presents doth hire to freight, the said ———, her apparel and furniture, for a voyage, to commence at ———, and on the arrival of said ——— there, the master shall receive and take on board (in the usual manner in that port) as full a cargo of ——— as said vessel can with safety stow and carry under deck; and immediately after being so laden, the master shall, with the first favorable opportunity of wind and weather thereafter, proceed with the vessel and said cargo direct to the port of ———, and upon her arrival there make a safe delivery of the said cargo in the customary place or places, and in the usual manner of making deliveries in similar cases, to the said ——— ———, his agents or assigns, and for orders and for loading at ———, ——— running lay days, and for unloading on her return to ——— shall lay, say ——— days, if required, and so end the voyage, the dangers of the seas, restraints of rulers, and other unavoidable accidents, always excepted. In consideration whereof, the said ——— ——— covenants, promises, and agrees, not only to deliver a cargo as aforesaid at ———, and receive the same at ——— as aforesaid, but shall and will pay, or cause to be paid, to the said ——— ———, his agents or assigns, in full for the freight hire of said ———, for the voyage aforesaid, ——— in lawful money of the United States, for each and every hundred pounds of ——— that may be shipped at ———, with ——— dollars, lawful money aforesaid, for each and every day that said vessel may be detained by said freighter over and above the days hereinbefore limited, the whole amount to be considered earned, due, and payable on the landing of said cargo at ———.

And for the true and faithful fulfillment of this agreement, according to the true intent and meaning thereof, the said part owner binds the said ——, her tackle and appurtenances, and the freight earned and to be earned; and the said freighter binds the cargo laden and to be laden on board, each to the other, in the penal sum of ——— dollars, firmly by these presents.

In witness whereof, the said parties have hereunto set their hands and seals, the day and year aforesaid.

——— ———. [SEAL.]
——— ———. [SEAL.]

Signed, sealed, and delivered in the presence of
——— ———.

Forms 153, 154, *and* 155.

FORM No. 153.

Acknowledgment to a deed or instrument of writing.

On this ——— day of ———, A. D. 18—, before me, the undersigned, United States Consul for ———, personally appeared ——— ———, known to me to be the person described in, and who executed the foregoing deed, and acknowledged the same to be his act and deed, and declared that he had executed the same freely and voluntarily, to the uses and for the purposes therein mentioned.

Given, &c.

——— ———,
U. S. Consul.

FORM No. 154.

Acknowledgment of a deed executed by husband and wife, jointly.

On this ——— day of ———, in the year of our Lord one thousand eight hundred and ———, before me the undersigned, ——— ———, consul of the United State for ———, personally appeared A B and C B, to me personally known [or to me satisfactorily proved] to be the persons described in and who executed the within deed, [the acknowledgment ought to be so indorsed on the deed as to be inseparable from it without showing marks of mutilation,] and severally acknowledged that they executed the same; and the said C B, on a private examination, apart from her husband, acknowledged that she executed this instrument freely and without any fear or compulsion of her husband.

NOTE.—The acknowledgment of a married woman to a deed, though executed by her separately and not in conjunction with her husband, should be taken and certified in the same form. Consuls should apprise the woman that this form is not merely ceremonial, but is designed to secure to her the assertion of her free and unbiased will in the matter.

FORM No. 155.

Will.

In the name of God, Amen! I, ——— ———, of ———, being of sound mind and understanding, do make this my last will and testament, as follows, viz:

Firstly. I desire that all my just debts, funeral and testamentary expenses, be paid and satisfied by my executors, herein afternamed, as soon after my decease as practicable.

Secondly. I give, devise, and bequeath unto ——— ——— [all and every of my household furniture, linen, wearing apparel, books, plate, and also all such sum and sums of money which may be in my house

Form 155.

or about my person, or which may be due and owning to me at the time of my decease.]

Thirdly. &c., &c.

And I do nominate, constitute, and appoint ——— ——— to be my executors of this my last will and testament, hereby revoking all former or other wills made by me at any time heretofore, and declare this to be my last will and testament.

In witness whereof, I, the said ——— ———, have to this my last will and testament, set my hand, the ——— day of ———, in the year A. D. 18—.

——— ———.

Signed and declared by the said ——— ———, the testator, as and for his last will and testament, in the presence of us, who, at his request, and in his presence, and in the presence of each other, have hereunto subscribed our names as witnesses.

——— ———.
——— ———.
——— ———.

APPENDIX No. V.

CONSULAR SERVICE OF THE UNITED STATES.

The statutes of the United States classify the Consulates General, Consulates, and Commercial Agencies into three classes: 1. Those embraced in a schedule known as Schedule B, the incumbents of which receive a fixed salary, and are not allowed to transact business. 2. Those embraced in a schedule known as Schedule C, the incumbents of which receive a fixed salary, and are allowed to transact business. 3. All other Consulates, the incumbents of which are compensated by the fees collected in their offices, and are allowed to transact business. The classification is as follows:

SCHEDULE B.

AGENCY AND CONSULATE GENERAL.

Alexandria.

CONSULATES GENERAL.

Beyroot.
Calcutta.
Constantinople.
Frankfort-on-the-Main.
Havana.
London.
Montreal.
Paris.
Shanghai.
Tampico.

CONSULATES.

Acapulco.
Aix-la-Chapelle.
Algiers.
Amoy.
Amsterdam.
Antwerp.
Aspinwall.
Bangkok.
Barcelona.
Barmen.
Basle.
Belfast.
Birmingham.
Buenos Ayres.
Bordeaux.
Boulogne.
Bremen.
Brindisi.
Cadiz.
Callao.
Canton.
Chemnitz.
Chin-Kiang.
Clifton.
Coaticook.
Cork.
Demerara.
Dundee.
Elsinore.
Foo-Chow.
Fort Erie.
Funchal.
Geneva.
Genoa.
Gibraltar.
Glasgow.
Goderich.
Hakodadi.
Halifax.
Hamburg.
Hankow.
Havre.
Honolulu.
Hong-Kong.
Jerusalem.
Kanagawa.
Kingston, Jamaica.
Kingston, Canada.
La Rochelle.
Laguayra.
Leeds.
Leghorn.
Leipsic.
Lisbon.
Liverpool.
Lyons.
Mahé.
Malaga.
Malta.
Manchester.
Marseilles.
Matanzas.
Mauritius.
Melbourne.
Messina.
Munich.
Nagasaki.
Nantes.
Naples.
Nassau, West Indies.
Newcastle.
Nice, France.

List of Consulates.

Odessa.
Oporto.
Osaka.
Palermo.
Panama.
Pernambuco.
Pictou.
Port Mahon.
Port Said.
Port Sarnia.
Prescott.
Prince Edward Island.
Quebec.
Rio de Janeiro.
Rome.
Rotterdam.
San Juan del Sur.
San Juan, Porto Rico.
Santiago de Cuba.
Singapore.
Smyrna.
Southampton.
Spezzia.
St. Helena.
St. John's, Canada East.
Santa Cruz, West Indies.
St. Petersburg.
St. Thomas.
Stuttgart.
Swatow.
Tangier.
Toronto.
Trieste.
Trinidad de Cuba.
Tripoli.
Tunis.
Tunstall.
Turk's Islands.
Valencia.
Valparaiso.
Vera Cruz.
Vienna.
Windsor, Canada.
Winnepeg, B. N. A.
Yeddo.
Zurich.

COMMERCIAL AGENCIES.

Madagascar, (Tamatave.)
San Juan del Norte.
St. Domingo.

SCHEDULE C.

CONSULATES.

Aux Cayes.
Bahia.
Batavia.
Bay of Islands.
Candia.
Cape Haytien.
Cape Town.
Carthagena.
Ceylon.
Cobija.
Cyprus.
Fayal.
Guayaquil.
Guaymas.
Maranham.
Matamoras.
Mexico.
Montevideo.
Omoa.
Payta.
Para.
Paso del Norte.
Piræus.
Port Stanley, Falkland Islands.
Rio Grande.
St. Catharine.
St. John, N. F.
Santiago, Cape Verde
Stettin.
Tabasco.
Tahiti.
Talcahuano.
Tumbez.
Venice.
Zanzibar.

COMMERCIAL AGENCIES.

Amoor River.
Apia.
Belize.
Gaboon.
Lanthala.
St. Paul de Loando.
Sabanilla.

List of Consulates.

Aguas Calientes.
Alicante.
Ancona.
Antigua.
Archangel.
Arica.
Asuncion.
Athens.
Augsburg.
Barbadoes.
Bathurst.
Belize.
Bergen.
Berlin.
Bermuda.
Bilbao.
Bissao.
Bogota.
Bombay.
Bradford.
Bristol.
Brunswick.
Brussels.
Bucharest.
Buenaventura.
Cairo.
Camargo.
Campeachy.
Cardiff.
Carlsruhe.
Carrara.
Carthagena.
Cayenne.
Chee-Foo.
Chihuahua.
Christiana.
Ciudad Bolivar.
Colonia.
Comayagua and Tegucigalpa.
Copenhagen.
Coquimbo.
Curaçoa.
Darmstadt.
Denia.
Dresden.
Dublin.
Falmouth.
Florence.
Galatz.
Gaspé Basin.
Geestemunde.
Ghent.
Gothenburg.
Grand Bassa.
Guadeloupe.
Guatemala.
Hamilton.
Helsingfors.
Hilo.
Hobart Town.
Kin-Kiang.
Laguna.
Lambayeque.
La Paz.
La Paz.
La Union.
Leith.
Liege.
Londonderry.
Ludwigshafen.
Manila.
Magdalena.
Manzanillo.
Maracaibo.
Mazatlan.
Medellin.
Merida and Sisal.
Mier.
Minatitlan.
Morales.
Monterey.
Mozambique.
New Chwang.
Ningpo.
Nuremburg.
Oajaca.
Ostand.
Otranto.
Paramaribo.
Parnahiba.
Piedras Negras.
Plymouth.
Prague.
Puerto Cabello.
Puerto Plata.
Quibdo.
Rangoon.
Reims.
Riga.
Rio Hacha.
Rio Negro.
Rosario.
San Andrés.
San Blas.
San José.
San Luis Potosi.
San Salvador, (city.)
Sonsonato.
Santa Martha.
Santander.
Scio.
Seville.
Sheffield.
Sierra Leona.
Sonneberg.
St. Bartholomew.
St. Catherine's Island
St. Christopher.
St. John's.
St. John.
St. Marc.
St. Martin.
St. Pierre.
St. Thome.
Stockholm.
Strasbourg.
Sydney.
Taranto.
Tegucigalpa.
Tehuantepec.
Teneriffe.
Tetuan.
Tien-Tsin.
Trebisond.
Trinidad Island.
Tumaco.
Turbo.
Victoria.
Vigo.
Zacatecas.
Zante.

APPENDIX No. VI.

EMIGRATION LAWS.

AN ACT to regulate the carriage of passengers in merchant vessels.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That if the master of any vessel owned in whole or in part by a citizen of the United States of America, or by a citizen of any foreign country, shall take on board such vessel, at any foreign port or place, a greater number of passengers than in the following proportion to the space occupied by them and appropriated for their use, and unoccupied by stores or other goods not being the personal luggage of such passengers, that is to say, on the lower deck or platform one passenger for every fourteen clear superficial feet of deck, if such vessel is not to pass within the tropics during such voyage; but if such vessel is to pass within the tropics during such voyage, then one passenger for every twenty such clear superficial feet of deck, and on the orlop deck (if any) one passenger for every thirty such superficial feet in all cases, with intent to bring such passengers to the United States of America, and shall leave such port or place with the same, and bring the same, or any number thereof, within the jurisdiction of the United States aforesaid, or if any such master of a vessel shall take on board of his vessel at any port or place within the jurisdiction of the United States aforesaid any greater number of passengers than the proportions aforesaid admit, with intent to carry the same to any foreign port or place, every such master shall be deemed guilty of a misdemeanor, and, upon conviction thereof before any circuit or district court of the United States aforesaid, shall, for each passenger taken on board beyond the above proportions, be fined in the sum of fifty dollars, and may also be imprisoned for any term not exceeding one year: *Provided*, That this act shall not be construed to permit any ship or vessel to carry more than two passengers to five tons of such ship or vessel.

SEC. 2. *And be it further enacted*, That if the passengers so taken on board of such vessel, and brought into or transported from the United States aforesaid, shall exceed the number limited by the last section to the number of twenty in the whole, such vessel shall be forfeited to the United States aforesaid, and be prosecuted and distributed as forfeitures are, under the act to regulate duties on imports and tonnage.

SEC. 3. *And be it further enacted*, That if any such vessel as aforesaid shall have more than two tiers of berths, or in case, in such vessel, the interval between the floor and the deck or platform beneath shall not be at least six inches, and the berths well constructed, or in case the dimensions of such berths shall not be at least six feet in length and at least eighteen inches in width for each passenger as aforesaid, then the master of said vessel and the owners

thereof, severally, shall forfeit and pay the sum of five dollars for each and every passenger on board of said vessel on such voyage, to be recovered by the United States as aforesaid in any circuit or district court of the United States where such vessel may arrive, or from which she sails.

SEC. 4. *And be it further enacted*, That, for the purposes of this act, it shall in all cases be computed that two children, each being under the age of eight years, shall be equal to one passenger, and that children under the age of one year shall not be included in the computation of the number of passengers.

SEC. 5. *And be it further enacted*, That the amount of the several penalties imposed by this act shall be liens on the vessel or vessels violating its provisions; and such vessel may be libelled and sold therefor in the district court of the United States aforesaid in which such vessel may arrive.

Approved February 22, 1847.

AN ACT to extend the provisions of all laws now in force relating to the carriage of passengers in merchant vessels, and the regulation thereof.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all vessels bound from any port in the United States to any port or place in the Pacific Ocean, or on its tributaries, or from any such port or place to any port in the United States on the Atlantic, or its tributaries, shall be subject to the provisions of all the laws now in force relating to the carriage of passengers in merchant vessels sailing to and from foreign countries, and the regulation thereof; except the fourth section of the "Act to provide for the ventilation of passenger vessels, and for other purposes," approved May seventeenth, eighteen hundred and forty-eight, relating to provisions, water and fuel; but the owners and masters of all such vessels shall in all cases furnish to each passenger the daily supply of water therein mentioned, and they shall furnish, or cause the passengers to furnish for themselves, a sufficient supply of good and wholesome food; and in case they shall fail so to do, or shall provide unwholesome or unsuitable provisions, they shall be subject to the penalty provided in said fourth section in case the passengers are put on short allowance of water or provisions.

SEC. 2. *And be it further enacted*, That the act entitled "An act to regulate the carriage of passengers in merchant vessels," approved February twenty-second, eighteen hundred and forty-seven, shall be so amended as that a vessel passing into or through the tropics shall be allowed to carry the same number of passengers as vessels that do not enter the tropics.

SEC. 3. *And be it further enacted*, That this act shall take effect on and after the fifteenth day of March, eighteen hundred and forty-nine.

Approved March 3, 1849.

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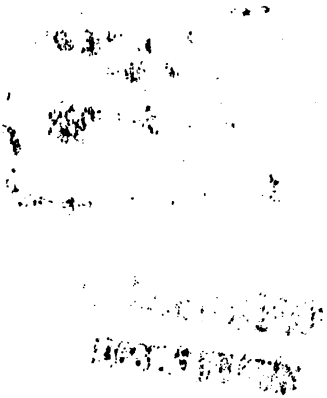
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